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# FAIR PLAY FOR CUBA COMMITTEE

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## HEARINGS

BEFORE THE

SUBCOMMITTEE TO INVESTIGATE THE  
ADMINISTRATION OF THE INTERNAL SECURITY  
ACT AND OTHER INTERNAL SECURITY LAWS

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

EIGHTY-SEVENTH CONGRESS

FIRST SESSION

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PART 3

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JUNE 15, 1961

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Printed for the use of the Committee on the Judiciary



U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1961

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## RESOLUTION

*Resolved by the Internal Security Subcommittee of the Senate Committee on the Judiciary*, That the injunction of secrecy be removed from testimony given in executive session by Edwin Shaw, on June 14, 1961: Be it further

*Resolved*, That said testimony be printed and made public.

JAMES O. EASTLAND, *Chairman*.

THOMAS J. DODD, *Vice Chairman*.

OLIN D. JOHNSTON.

JOHN L. McCLELLAN.

SAM J. ERVIN, JR.

ROMAN L. HRUSKA.

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KENNETH B. KEATING.

NORRIS COTTON.

Dated June 16, 1961.

## FAIR PLAY FOR CUBA COMMITTEE

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THURSDAY, JUNE 15, 1961

U.S. SENATE,  
SUBCOMMITTEE TO INVESTIGATE THE ADMINISTRATION OF  
THE INTERNAL SECURITY ACT AND OTHER INTERNAL  
SECURITY LAWS, OF THE COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The subcommittee met, pursuant to call at 10:10 a.m., in room 2228, New Senate Office Building, Senator Kenneth B. Keating presiding.

Present: Senators Keating and Norris Cotton.

Also present: J. G. Sourwine, chief counsel, and Frank Schroeder, chief investigator.

Senator KEATING. The subcommittee will come to order. Counsel, call the first witness.

Mr. SOURWINE. Stanley Kowalski.

Senator KEATING. Will you raise your right hand, Mr. Kowalski.

Do you solemnly swear that the evidence that you give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KOWALSKI. I do.

Senator KEATING. Be seated and give your name.

### TESTIMONY OF STANLEY KOWALSKI

Mr. SOURWINE. Mr. Kowalski, what is your full name?

Mr. KOWALSKI. My full name is Stanley Kowalski.

Mr. SOURWINE. And your address at home?

Mr. KOWALSKI. I prefer not to give my home address, sir. I will give my office address.

Mr. SOURWINE. You have furnished the committee with your home address privately, have you not?

Mr. KOWALSKI. Yes, I have.

Mr. SOURWINE. Your office address, sir.

Mr. KOWALSKI. 1300 Beaubien Street, Detroit 26, Mich.

Mr. SOURWINE. What is your business or profession?

Mr. KOWALSKI. I am a detective with the Detroit Police Department, working out of the criminal information bureau and assigned to the subversive activities bureau.

Mr. SOURWINE. Have your duties included surveillance of the activities or some of the activities of the Fair Play for Cuba Committee chapter in Detroit and its members or some of its members?

Mr. KOWALSKI. Yes, they have.

Mr. SOURWINE. Do you know Ed Shaw.

Mr. KOWALSKI. Yes, I do.

Mr. SOURWINE. Do you know him as connected with the Fair Play for Cuba Committee in Detroit?

Mr. KOWALSKI. Yes, I do.

Mr. SOURWINE. Have you observed him at various meetings of the Fair Play for Cuba Committee?

Mr. KOWALSKI. I have observed Ed Shaw at numerous meetings of the Fair Play for Cuba Committee.

Mr. SOURWINE. Do you know what position he holds with the Committee?

Mr. KOWALSKI. To the best of my recollection, he is the midwest director of the Fair Play for Cuba Committee.

Mr. SOURWINE. Do you know Mr. Shaw as a member of the Socialist Workers Party?

Mr. KOWALSKI. I have observed Mr. Shaw in attendance at meetings sponsored by the Socialist Workers Party over a period of the last 5 years.

Mr. SOURWINE. Do you see Mr. Shaw here in the room?

Mr. KOWALSKI. Yes, I do.

Mr. SOURWINE. Would you point him out, please.

Mr. KOWALSKI (pointing). Sitting on the edge; with the cigarette in his mouth; with the bow tie.

Senator KEATING. The only man in the room with a cigarette hanging out of his mouth, is that correct?

Mr. SOURWINE. Mr. Kowalski, I show you a photograph. I ask you if you recognize this photograph.

Mr. KOWALSKI. Yes, I do.

Mr. SOURWINE. What is it?

Mr. KOWALSKI. It is a photograph of a picket line in front of the Federal Building in the city of Detroit, sponsored by the Fair Play for Cuba Committee. Mr. Ed Shaw was observed directing the activities of this picket line.

Mr. SOURWINE. Does Mr. Shaw show in that picture?

Mr. KOWALSKI. Yes, he is shown in this picture with a camera hanging from his neck.

Mr. SOURWINE. Is the picture recognizable?

Mr. KOWALSKI. Yes, sir, it is.

Mr. SOURWINE. Mr. Chairman, may this be ordered in the record and marked as "Exhibit No. 37"?

Senator KEATING. It will be received.

(The photograph referred to was marked "Exhibit No. 37" and is reproduced below:)



EXHIBIT No. 37.—Scene described as picket line before Federal Building in Detroit, showing Ed Shaw, with camera hanging from his neck walking away from line.

Mr. SOURWINE. I want to question other witnesses about it later.

I show you another picture, Mr. Kowalski, and ask you if you recognize it. Do you recognize that photograph?

Mr. KOWALSKI. Yes, I do.

Mr. SOURWINE. What is that photo?

Mr. KOWALSKI. It is a picture of Mr. Shaw's vehicle parked in front of his home at 1057 East Grand Boulevard in the city of Detroit.

Mr. SOURWINE. You mean his automobile?

Mr. KOWALSKI. Right.

Mr. SOURWINE. You know of the occasion on which that picture was taken?

Mr. KOWALSKI. Yes sir.

Mr. SOURWINE. Was it any particular occasion?

Mr. KOWALSKI. Yes, I do. On that respective date a meeting of the Fair Play for Cuba Committee was held in the home of Mr. Shaw.

Mr. SOURWINE. Mr. Chairman, I ask that this be admitted as exhibit 38.

Senator KEATING. It will be received.



(The photograph referred to was marked "Exhibit 38" and is reproduced below:)



EXHIBIT No. 38.—Car described as belonging to Shaw, standing in front of his home in Detroit during Fair Play for Cuba Committee meeting there.

Mr. SOURWINE. I show you another photograph. Do you recognize this?

Mr. KOWALSKI. Yes, I do.

Mr. SOURWINE. Of what is this a photograph?

Mr. KOWALSKI. This is a photograph of a picket line which has moved from the Federal Building to the front of the old City Hall in the city of Detroit. It is a picket line sponsored by the Fair Play for Cuba Committee and in the picture I see Mr. Martin Miller parading in the picket line.

Mr. SOURWINE. Is Mr. Shaw in that picture?

Mr. KOWALSKI. And Mr. Shaw is in the line there as well.

Mr. SOURWINE. May this be received as exhibit 39, Mr. Chairman?  
Senator KEATING. It will be received.

(The photograph referred to was marked "Exhibit 39," and follows:)



EXHIBIT No. 39.—Picket line in front of Detroit City Hall showing Shaw (center) and Miller (just passing police officer at right).

Mr. SOURWINE. I show you another picture and ask you if you recognize it.

Mr. KOWALSKI. Yes, I do. This is a picture of Mr. Shaw's home, 1057 East Grand Boulevard, in the city of Detroit.

Mr. SOURWINE. It appears to be a man going up the steps. Do you know who that man is?

Mr. KOWALSKI. It is an unidentified subject.

Mr. SOURWINE. What was the occasion of this? Was it taken on a particular date?

Mr. KOWALSKI. The approximate date would be January 22 when a meeting of the Fair Play for Cuba Committee was held in the home of Ed Shaw.

Mr. SOURWINE. May this be received as exhibit 40, Mr. Chairman?

Senator KEATING. It will be received.



(The photograph referred to was marked "Exhibit 40," and is reproduced below:)



EXHIBIT No. 40.—Unidentified man approaching entrance to Shaw's house where meeting of Fair Play Committee was held on that day.

Mr. SOURWINE. Do you know Rita Shaw?

Mr. KOWALSKI. Yes, I do.

Mr. SOURWINE. She is the wife of Ed Shaw—

Mr. KOWALSKI. She is.

Mr. SOURWINE (continuing). Concerning whom you have been testifying?

Mr. KOWALSKI. She is.

Mr. SOURWINE. I show you another picture. Do you recognize that picture?

Mr. KOWALSKI. Yes, I do.

Mr. SOURWINE. What is that picture?

Mr. KOWALSKI. It is the picture of Rita Shaw demonstrating in front of the Federal Building on April 20, 1961.

Mr. SOURWINE. Now, by demonstrating you mean taking part in a picket line?

Mr. KOWALSKI. Yes, sponsored by the Fair Play for Cuba Committee.

Mr. SOURWINE. May this be received, Mr. Chairman, as exhibit 41?

Senator KEATING. It may be received.

(The photograph referred to was marked "Exhibit 41," and is reproduced below:)



EXHIBIT No. 41.—Rita Shaw (right) participating in picket line before Detroit Federal Building, April 20, 1961.

Mr. SOURWINE. Now, you mentioned a Martin Miller.

Mr. KOWALSKI. Yes.

Mr. SOURWINE. Who is he?

Mr. KOWALSKI. I don't know too much about Mr. Martin Miller other than the fact I have observed him in the picket line on April 20, 1961, sponsored by the Fair Play for Cuba Committee.

Mr. SOURWINE. I show you another picture, Mr. Kowalski. Can you identify that picture?

Mr. KOWALSKI. Yes, that is another picture, of Mr. Martin Miller.

Mr. SOURWINE. What is he doing in that picture?

Mr. KOWALSKI. He is picketing in front of the old city hall in the city of Detroit.

Mr. SOURWINE. May this be received, Mr. Chairman?

Senator KEATING. It may be received, but I think I should ask whether your files do contain derogatory information about Mr. Miller.

Mr. KOWALSKI. They do not.

Senator KEATING. They do not?

Mr. KOWALSKI. They do not, Senator.



(The photograph referred to was marked "Exhibit 42," and is reproduced below :)



EXHIBIT No. 42.—Showing Martin Miller (third figure from right) marching in picket line before old Detroit city hall.

Mr. SOURWINE. Do you know David Wellman?

Mr. KOWALSKI. Yes, I do.

Mr. SOURWINE. Who is David Wellman?

Mr. KOWALSKI. David Wellman is the son of Sol and Mignon Wellman, two active Communist Party members in the city of Detroit.

Mr. SOURWINE. Is he connected with the Fair Play for Cuba Committee, to your knowledge?

Mr. KOWALSKI. I have observed Dave Wellman in attendance at two Fair Play for Cuba Committee meetings in the city of Detroit.

Mr. SOURWINE. I show you a picture. Can you identify it?

Mr. KOWALSKI. Yes, I can.

Mr. SOURWINE. What is this picture?

Mr. KOWALSKI. It is a picket line on April 20, 1961, sponsored by the Fair Play for Cuba Committee and held in front of the Federal Building in the city of Detroit.

Mr. SOURWINE. Does it show any identifiable person that you recognize?

Mr. KOWALSKI. Yes, it does.

Mr. SOURWINE. Who?

Mr. KOWALSKI. It shows David Wellman.

Mr. SOURWINE. May this be received, Mr. Chairman, as exhibit 43?

Senator KEATING. It will be received.

(The photograph referred to was marked "Exhibit 43," and is reproduced below:)

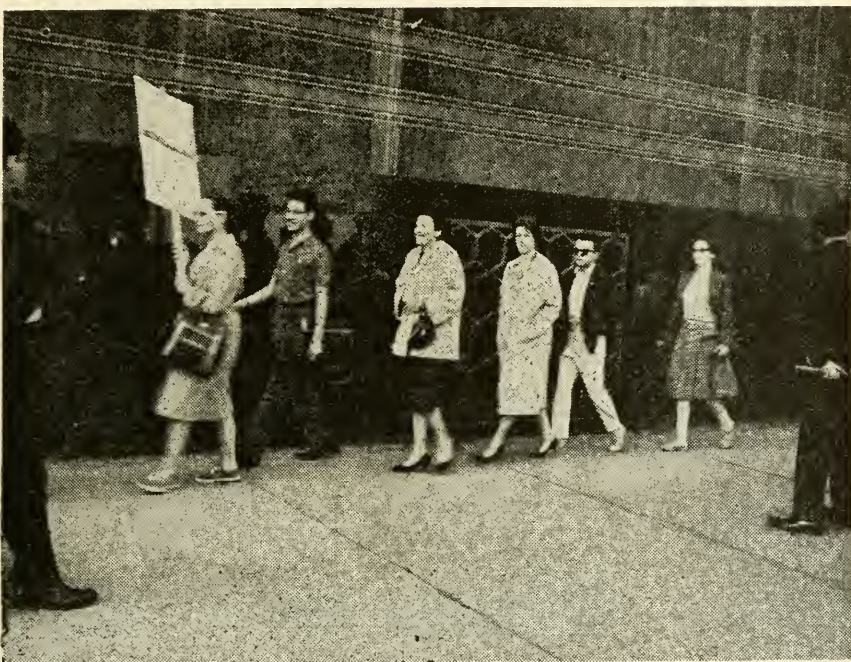


EXHIBIT No. 43.—David Wellman (with dark glasses, next to last) in picket line before Detroit Federal Building.

Mr. SOURWINE. I show you another picture.

Senator KEATING. Mr. David Wellman is in the room, is he not?

Will you point him out, Mr. Kowalski?

Mr. KOWALSKI (pointing). He is directly behind Mr. Shaw there.

Mr. SOURWINE. While you are on your feet, do you see Mr. Miller in the room?

Mr. KOWALSKI. Yes, I do.

Mr. SOURWINE. Is that Mr. Miller who just rose?

Mr. KOWALSKI. That is Mr. Miller who just rose a little while ago.

Mr. SOURWINE. Can you identify this picture?

Mr. KOWALSKI. Yes, I can.

Mr. SOURWINE. Of what is this a picture?

Mr. KOWALSKI. A picture of a picket line sponsored by the Fair Play for Cuba Committee held in front of the Federal Building in the city of Detroit on April 20, 1961.

Mr. SOURWINE. Does this picture show an individual that you recognize?

Mr. KOWALSKI. I recognize Dave Wellman in this photograph.

Mr. SOURWINE. May this be admitted, Mr. Chairman?

Senator KEATING. It will.



(The photograph referred to was marked "Exhibit 44," and is reproduced below :)



EXHIBIT No. 44.—David Wellman walking beside woman at end of picket line passing Federal Building in Detroit.

Mr. SOURWINE. The chairman may be interested in the picture of Castro on the placard that is being carried in that picture.

Do you know Joseph Bernstein?

Mr. KOWALSKI. Yes, I do.

Mr. SOURWINE. What do you know about Mr. Bernstein in relation to the Fair Play for Cuba Committee?

Mr. KOWALSKI. I have observed Mr. Bernstein at two Fair Play for Cuba Committee meetings held in the city of Detroit.

Mr. SOURWINE. I am not sure whether I asked you if you have personally observed Ed Shaw in attendance at Fair Play for Cuba meetings.

Mr. KOWALSKI. I have observed Ed Shaw at the Fair Play for Cuba Committee meetings in the city of Detroit.

Mr. SOURWINE. Did you ever see Mr. Bernstein under other circumstances than in attendance at the meetings of the Fair Play for Cuba Committee meetings?

Mr. KOWALSKI. Yes. Back in 1952 I observed Mr. Joseph Bernstein at congressional hearings held in the city of Detroit where a Government witness identified him as a ranking officer in the Communist Party of Michigan.



Mr. SOURWINE. I show you a picture and ask you if you can identify it.

Mr. KOWALSKI. Yes, it is Mr. Joseph Bernstein taking the oath at the hearing.

Mr. SOURWINE. May this be received as exhibit No. 45?

Senator KEATING. It will be received.

(The photograph referred to was marked "Exhibit No. 45," and is reproduced below:)

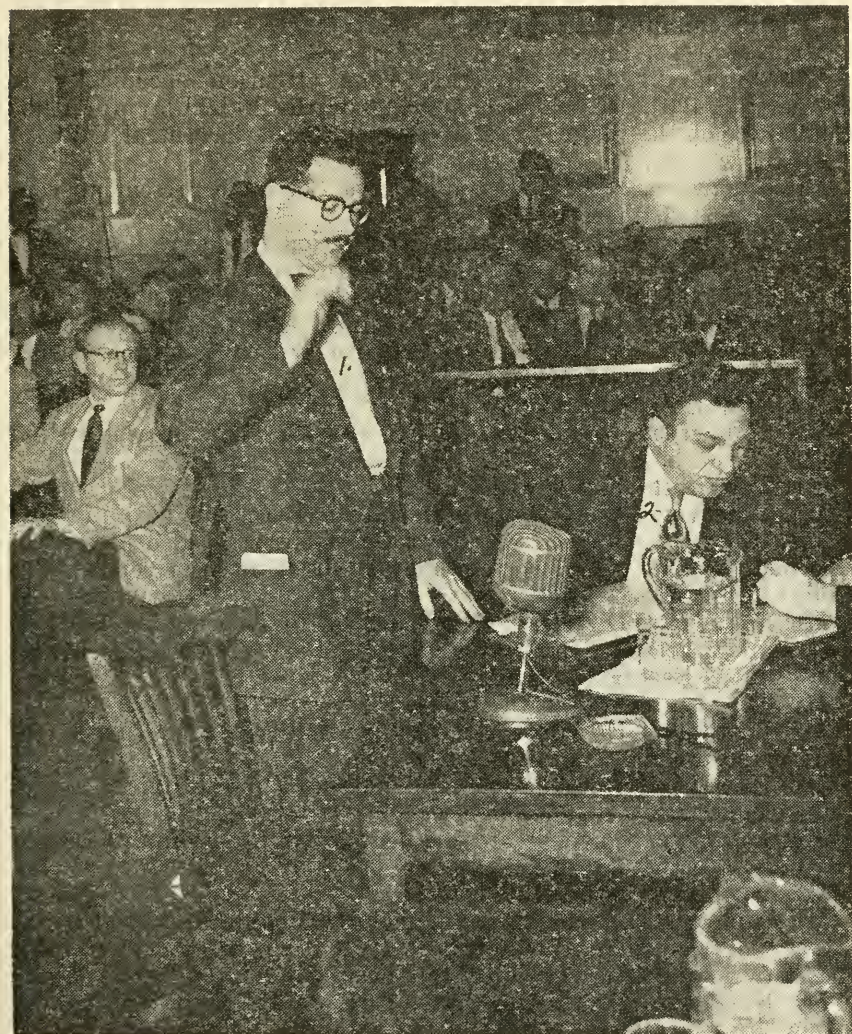


EXHIBIT NO. 45

Mr. SOURWINE. Do you know Reva Bernstein?

Mr. KOWALSKI. Yes, I do.

Mr. SOURWINE. Is she the wife of Joseph Bernstein?

Mr. KOWALSKI. Yes, she is.

Mr. SOURWINE. Have you personally observed Reva Bernstein entering the place at which a meeting of the Fair Play for Cuba Committee was being held?

Mr. KOWALSKI. I have.

Mr. SOURWINE. Have you observed David Wellman at Fair Play for Cuba Committee meetings?

Mr. KOWALSKI. I have.

Mr. SOURWINE. Now, directing your attention specifically to January 7, 1961, was there a meeting of the Fair Play for Cuba Committee on that date at 2230 Witherell Street, the central YWCA?

Mr. KOWALSKI. Yes, sir, there was.

Mr. SOURWINE. Were Joseph and Reva Bernstein present, to your knowledge, at that meeting?

Mr. KOWALSKI. To the best of my recollection, they were.

Mr. SOURWINE. Was Martin Miller also present?

Mr. KOWALSKI. Yes, sir.

Mr. SOURWINE. Directing your attention now to April 29, 1961, was there a meeting of the Fair Play for Cuba Committee at 1920 25th Street, in Detroit, Mich.?

Mr. KOWALSKI. Yes.

Mr. SOURWINE. To your knowledge, was Ed Shaw present at that meeting?

Mr. KOWALSKI. Yes, he was.

Mr. SOURWINE. Were Joseph and Reva Bernstein also present?

Mr. KOWALSKI. Joseph and Reva Bernstein were also present at this meeting and Mr. Bernstein showed slides of his recent trip to Cuba at this respective meeting.

Mr. SOURWINE. Directing your attention to January 22, 1961, do you know whether there was a meeting held at the home of Ed Shaw at 1057 East Grand Boulevard on that date?

Mr. KOWALSKI. Yes, sir, there was.

Mr. SOURWINE. Do you know whether that was a meeting of the Fair Play for Cuba Committee?

Mr. KOWALSKI. It was a meeting sponsored by the Fair Play for Cuba Committee.

Mr. SOURWINE. Do you know whether Nathan Rosenshine of Detroit was present at that meeting?

Mr. KOWALSKI. No, sir, I do not know.

Mr. SOURWINE. Do you know whether Mr. Rosenshine's automobile, a 1956 Chrysler sedan, license CJ-2054, 1961, was parked in front of the Shaw home on the occasion of that meeting?

Mr. KOWALSKI. On this respective date, we did observe a teenager in his late teens park the vehicle and enter the Shaw premises, 1057 East Grand Boulevard, where this Fair Play for Cuba Committee meeting was in progress.

Mr. SOURWINE. Did you identify this young man?

Mr. KOWALSKI. No, sir, I don't know him personally.

Mr. SOURWINE. Do you know if Martin Miller was present at this particular meeting on January 22?



Mr. KOWALSKI. No, sir, I don't.

Mr. SOURWINE. Did you observe Martin Miller's automobile, a 1956 Ford, license GW 2311 parked in front of the Shaw home on the occasion of this meeting?

Mr. KOWALSKI. Yes, that vehicle was picked up in the vicinity of 1057 East Grand Boulevard.

Mr. SOURWINE. Would you look around the room and see if you can identify either Joseph Bernstein or Reva Bernstein?

Mr. KOWALSKI. Yes.

Senator KEATING. Would Mr. and Mrs. Bernstein please rise?

Mr. KOWALSKI. Sitting in the third row.

Senator KEATING. Is that Mr. and Mrs. Bernstein?

Mr. KOWALSKI. Mr. and Mrs. Joseph Bernstein.

Mr. SOURWINE. Mr. Chairman, I have no more questions of this witness.

Senator KEATING. Thank you very much, Mr. Kowalski.

Call the next witness.

Mr. SOURWINE. Ed Shaw.

Senator KEATING. Mr. Shaw, would you raise your right hand?

Do you solemnly swear that the evidence that you give in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SHAW. I do.

Senator KEATING. Mr. Shaw, you are accompanied by your counsel, is that correct?

Mr. SHAW. That is correct.

Senator KEATING. Counsel, give your name and address.

Mr. FAULKNER. Stanley Faulkner, No. 9 East 40th Street, New York 16, N.Y.

May I have a word, Mr. Senator? The previous witness, Stanley Kowalski, testified that he is a police officer attached to the Detroit Police Department. I think I am correct in that. He sat in yesterday at what was supposed to be an executive session of the subcommittee.

The record will disclose that I raised an objection to his presence, or the presence of anyone except authorized personnel of the subcommittee at an executive session.

I then was informed that everyone in that room was a member or an authorized personnel of the subcommittee.

Senator KEATING. No, you were not told that at all. You were told that everyone in the room was authorized to be there.

Mr. FAULKNER. Well, the record will speak for itself. There was a record made of it yesterday.

Senator KEATING. Proceed, counsel.

Mr. SOURWINE. If the Chair will permit, I would like to get Mr. Faulkner's point.

Is he implying that the committee is not in control of who may be present at its executive sessions?

Senator KEATING. I see nothing to be gained by getting into a wrangle between counsel.

Proceed with the witness.

## TESTIMONY OF EDWARD SHAW

Mr. SOURWINE. Your full name, Mr. Shaw?

Mr. SHAW. Edward Shaw.

Mr. SOURWINE. And your address?

Mr. SHAW. 1057 East Grand Boulevard, Detroit 7, Mich.

Mr. SOURWINE. You are presently employed by the Fair Play for Cuba Committee, is that not correct?

Mr. SHAW. Before I answer any questions, may I ask why I have been called before this subcommittee?

Mr. SOURWINE. Yes. This subcommittee is charged by the Senate with the duty among others, of continuing investigation of the activities of the Communist Party, USA.

It is the committee's duty, as the committee conceives it, to keep currently abreast, as fully as possible, of the activities of the Communist Party and its fronts, its propaganda activities, its efforts at recruitment, everything we can learn about Communist activity, so that the committee may be in a position currently, at all times, to appraise the extent of the threat: the particular threat presented by new or different or altered or augmented Communist efforts in one direction or another with a view to determining whether there is legislation which can be framed and recommended which will help to meet the Communist threat in any particular direction or to ameliorate the effect of the Communist activity or to strengthen the security of this country.

The committee has information that the Fair Play for Cuba Committee was formed with the assistance of money provided by the Communist Government of Cuba.

The committee has information that the Fair Play for Cuba Committee is Communist-infiltrated; that Communists hold offices in some of the chapters; that they control some of the chapters.

The committee also has information that the Fair Play for Cuba Committee is used by the Communist Party in its efforts to recruit youth.

The committee is anxious to learn as much as possible about the Fair Play for Cuba Committee. The Internal Security Subcommittee is informed that you are Midwest regional director of the Fair Play for Cuba Committee; that you are chairman of the Fair Play for Cuba Committee Chapter in Detroit.

The committee therefore believes you to be in possession of information respecting the activities of this committee and its members which would be helpful to the committee in its purpose of learning as much as possible about such activities.

Now this is why you have been called.

Mr. SHAW. Having heard the reasons given, may I have permission to read a statement before interrogation?

Senator KEATING. No; you answer the question. You may read the statement at the conclusion of your testimony.

Go ahead, counsel.

Mr. SOURWINE. Mr. Shaw, are you employed at the present time?

Mr. SHAW. I fail to see the pertinency of whether or not I am employed, to the stated purpose of this committee's investigation.

Senator KEATING. You are directed to answer the question.

Mr. SHAW. Having been directed to answer the question, I have no other choice but to resort to the privileges guaranteed to me by the Constitution of the United States under which I may not be forced against my will to give testimony which, at one time or another, may be construed as being against myself.

Mr. SOURWINE. Mr. Shaw, your present employment is by the Fair Play for Cuba Committee, national headquarters, and you are employed as Midwest regional representative, isn't that the fact?

Mr. SHAW. I prefer not to answer that question.

Senator KEATING. You are directed to answer it.

Mr. SHAW. Having been directed, I have no other alternative than to resort to the privileges guaranteed to me by the Constitution of the United States as a citizen, under which I may not be forced to testify against myself.

Mr. SOURWINE. Mr. Chairman, we might be able to save time here. The witness was asked a number of questions in executive session yesterday.

May I inquire, Mr. Shaw, do you now desire to change in any way or to augment or limit any of the answers you gave yesterday in executive session?

Mr. SHAW. May I read my prepared statement in answer to that question, because it contains the answers.

Senator KEATING. Just answer the question and you will be permitted to read your statement.

Mr. SHAW. No, sir.

Mr. SOURWINE. Mr. Chairman, might the order be that, subject to the approval by the majority of the committee, which under the rule, would be required, the executive session testimony of Mr. Shaw, the present witness, be incorporated into this record at this point and we might go on from there?

Senator KEATING. That will be so ordered.

(The executive session testimony of Mr. Shaw follows:)

### TESTIMONY OF EDWIN SHAW (JUNE 14)

Mr. SOURWINE. Would you be sworn?

Mr. SHAW. Just a moment. Before the swearing I would like to know why I am here.

Senator DODD. You will be sworn and raise your right hand.

Mr. SHAW. Really, I think I would like to know why I am here.

Mr. SOURWINE. We will explain this on the record, Mr. Shaw.

Mr. SHAW. This doesn't go on the record. I mean before being sworn, nothing goes on the record.

Mr. SOURWINE. Until you have been sworn.

Senator DODD. I don't know if anything has gone on the record.

Mr. SHAW. I see him typing here.

Senator DODD. He is typing what you are saying.

Mr. SHAW. Well, this isn't going on the record.

Senator DODD. What you are saying is going on.

Mr. SHAW. What you would say would go on the record, too.

Senator DODD. The oath.

Mr. SHAW. If you tell me why I am here that will go on the record, would it not?



Senator DODD. You want to take the oath or not?

Mr. SHAW. I want to take the oath and I want to know why I am here. I would prefer to know why I am here before I take the oath.

Senator DODD. I will give the oath to you now. I ask you to take the oath.

Mr. SHAW. Am I not required to be told why I am here?

Mr. FAULKNER. Let the record show that the witness is consulting with counsel. I think that is what you would like to have on the record, Senator.

Senator DODD. I didn't ask for it.

Mr. FAULKNER. You usually do.

Senator DODD. I have had times when you have taken long periods of time with whispered conversations. You have been particularly offensive in these hearings. Everyone who has been in this hearing has observed it as well as I.

Mr. SHAW. I will swear. You want me to stand?

Senator DODD. Yes. Raise your right hand.

You solemnly swear the testimony you give before this committee will be the truth, nothing but the truth, so help you God?

Mr. SHAW. I do.

Senator DODD. Sit down.

Mr. FAULKNER. Excuse me. At this time, Senator, I object to anyone being in the room in executive session unless they are duly authorized personnel of the committee.

Senator DODD. Everyone in this room is duly authorized to be present.

Mr. FAULKNER. I assume they are all Government employees.

Mr. SOURWINE. Mr. Faulkner, the committee is wholly in control of who may be present at its executive sessions. This is not a matter within your control or a matter over which you have any right of protest.

Senator DODD. We will proceed, Mr. Counsel.

Mr. FAULKNER. My protest is on the record.

Senator DODD. Your protest is overruled.

Mr. SOURWINE. Mr. Shaw, would you give the reporter your full name and address, please?

Mr. SHAW. I thought I was to be told why I was here after I was sworn.

Mr. SOURWINE. We want to get your identity.

Mr. SHAW. There is another addition before I am told why I am here.

Senator DODD. He has been sworn and objected to taking the oath, Senator Keating, as the record will show. We have put up with Mr. Faulkner's conduct, his attempt to harass the committee, his interruptions of the proceedings has been almost constant on every occasion when he has been here as counsel for a witness.

This question from this witness is another interruption of the proceedings this morning.

Mr. FAULKNER. I don't think those comments are worthy of any rebuttal by me. The record speaks for itself, Senator.

Mr. SHAW. I have not objected to being sworn. I have asked to be told why I am here.

Are you Senator Dodd?

Senator DODD. Yes.

Mr. SHAW. I was told by Senator Dodd after I was sworn I would be told why I am here and now they want to ask me another question before they tell me.

Senator DODD. You are asked for your name and address.

Mr. SHAW. I presume that is a question.

Senator DODD. Do you want to give your name and address?

Mr. SHAW. Yes; but I want to know why I am here. I came a long way and I want to know what is going on.

Senator DODD. You will be told.

Mr. SHAW. I wasn't told anything why I was here.

My name is Edwin Shaw. I live at 1057 East Grand Boulevard, Detroit, Mich.

Mr. SOURWINE. Mr. Shaw, the Internal Security Subcommittee of the Senate sits under a mandate which requires it to attempt to keep itself currently abreast of the activities of the Communist Party and its fronts; to try to keep abreast of the party's activities; its propaganda; its efforts at recruitment.

Senator DODD. No smoking allowed in here.

Mr. SHAW. I saw the cigarette butts and I presumed that somebody was smoking.

Senator DODD. Well, just put it out and conduct yourself properly.

Mr. SHAW. I saw the cigarette butts and thought somebody was smoking.

Mr. SOURWINE. The committee has information that the Fair Play for Cuba Committee is infiltrated by Communists and controlled by Communists in some areas; that Communists are assisting in the work of the committee and its demonstrations.

We know that the Fair Play for Cuba Committee was started—

Senator DODD. Mr. Shaw, will you please put that cigarette out?

Mr. SHAW. I thought I did.

Mr. SOURWINE. We know that the Fair Play for Cuba Committee was started with the financial aid of the Communist regime in Cuba.

The committee has information that you are an official of the Fair Play for Cuba Committee; that you have been active in the work of this committee.

This committee believes you have information respecting the activities of the Fair Play for Cuba Committee, and respecting Communist infiltration of that committee, and you have been called because the committee thinks that you have information that will be useful to it in its investigation of the Fair Play for Cuba Committee.

Senator DODD. Very well, proceed Mr. Sourwine.

Mr. SHAW. Is that the purpose of this meeting then? There is no legislative purpose involved.

Senator DODD. Yes; there is legislative purpose involved.

Mr. SHAW. I didn't hear any statement to that effect at all.

Mr. SOURWINE. Mr. Shaw, the legislative purpose was clearly implied, I think, but I am perfectly willing to explain it to you.

The reason the committee is under the mandate of the Senate to keep currently informed on this situation is so that the committee may, from time to time, and currently, evaluate the Communist threat in its various aspects and determine what legislation, if any, may be

proposed to meet these various threats or any of them or to counter or minimize the effects of the various Communist moves.

It is in the pursuance of this purpose that the committee meets and acts and it is in pursuance of this purpose that the committee sits today and you should be advised that this committee always sits with its full power and with its full authority.

The committee, itself, cannot divest itself of that authority and confine itself to only a small fraction of the authority which has been conveyed to it by the Senate.

Senator DODD. All right, go ahead.

Mr. SOURWINE. Mr. Shaw, what is your business or profession?

Mr. SHAW. I hardly see how this is pertinent to an investigation of the Communist danger to the United States, and in order to keep myself clear of any legal complications which I unfortunately wouldn't be able to understand—

Senator DODD. You have your lawyer right at your elbow.

Mr. SHAW. I understand that, and I have spoken to the lawyer before and I would prefer not to answer that question.

Senator DODD. The Chair instructs and orders you to answer the question.

Mr. SHAW. I must repeat that in keeping with my desire to avoid any legal difficulties arising from this hearing, I must resort to my legal rights under the Constitution to prevent my being forced to be a witness against myself.

Senator DODD. Proceed, Mr. Sourwine.

Mr. SOURWINE. Mr. Shaw, is your wife the same Rita Shaw who was a candidate for attorney general for the State of Michigan on the Socialist Workers Party ticket in November of 1960?

Mr. SHAW. I fail still to see pertinency to any legislative purpose arising from such a question.

Senator DODD. Let me tell you. I am sure you know very well that in order for us to properly conduct a hearing we want to establish your identity. This was the reason we asked your name and address. You refused to answer that question. We have had great difficulty with you. We are trying to establish your identity with your occupation, what you do and elicit other facts which will help us in our work here as a legislative committee of the Senate.

Now I want to instruct you again to answer the question.

Mr. SHAW. I think the record will show that some of the reasons are good that I have. I am resorting to my rights simply out of one fact where Senator Dodd said I refused to give my name. I think the record will show that I did not refuse to give my name, and it is such distortions of hearings such as this which can lead people to draw wrong conclusions which force me to resort to my rights.

Senator DODD. We don't need any speeches about the record. The record will speak for itself.

If you want to be as disruptive as you can, go right ahead and do it and the record will speak and we know what to do with the record when this hearing is over with. I am trying to get you to show some sense. You have been asked a very simple question. You were asked to take the oath and you created a disturbance about that.

You were asked to give your name and address and you gave us difficulty over that.



We are trying to get further identifying data and you are giving us more trouble. Whatever course you want to pursue, there is nothing we can do about it.

Mr. SHAW. My I read a statement into the record?

Senator DODD. Not at this time.

Go on with your questions, Mr. Sourwine.

Mr. SHAW. I think you ordered me and directed me to answer the question and I failed to complete my answer to your ordering and directing.

Senator DODD. I think you completed it.

Go on, Mr. Sourwine.

Mr. SHAW. I want to include, however——

Senator DODD. If you are going to interrupt this hearing any more I will have a marshal take you out of the building.

Mr. SHAW. The record will show I was not allowed——

Senator DODD. You are not going to disrupt us.

Go ahead, Mr. Sourwine.

Mr. FAULKNER. I don't think the witness answered the last question which he was ordered and directed to answer.

Senator DODD. I asked him to answer it. I would like to have it answered.

Mr. SHAW. I want to conclude——

Senator DODD. Maybe we better get the question again.

Mr. SOURWINE. The question is whether your wife is the same Rita Shaw who was a candidate for attorney general of the State of Michigan on the Socialist Workers Party ticket in November of 1960.

Mr. SHAW. I had begun to answer that and I will conclude by saying that I feel I have to resort to my constitutional rights in which I may not be forced, under which I may not be forced to be a witness against myself.

Mr. SOURWINE. Mr. Shaw, the committee has information that you asked for and received a leave of absence from your former employment so that you could devote full time to the activities of the Fair Play for Cuba Committee. Is this correct?

Mr. SHAW. Before answering that question, I would like to know is it possible to read a statement into the record at one point or another in the proceedings?

Senator DODD. You will have an opportunity to make any statement you want to. But you will not be permitted to interrupt these questions.

Mr. SHAW. I see. I am curious. I would like to know what time. It is pertinent.

Senator DODD. I am glad to hear that because you are certainly doing your best up to this point to interrupt us.

Proceed, Mr. Sourwine.

Mr. SHAW. I am afraid that such——

Senator DODD. Please don't interrupt us any more. If you are in here just to interfere and disrupt us——

Mr. SHAW (interposing). I believe I was supposed to answer a question.

Senator DODD. Please hold your speech while the Chair is talking. You have been the most difficult witness I have seen in my 3 years here. We have never had any such trouble with any other witness

in this period of time as we have had with you this morning, to my knowledge.

Will you proceed, Mr. Sourwine.

MR. SOURWINE. Is the statement correct that you asked for and received a leave of absence from your former employment so that you could devote full time to the activities of the Fair Play for Cuba Committee?

MR. SHAW. I had begun to answer that question and I was interrupted by the Chair. I fail to see the pertinency of this question and therefore don't feel obliged to answer.

MR. SOURWINE. The question is pertinent, Mr. Shaw, because if you are, in fact, a full-time employee or servant of the Fair Play for Cuba Committee it qualifies you as a witness who can answer questions about the activities of that committee.

Senator DODD. The Chair instructs and orders you to answer the question.

MR. SHAW. Again, I must resort to my constitutional rights as an American citizen to wit, under which I may not be forced to be a witness against myself.

MR. SOURWINE. Mr. Shaw, are you a member of the Fair Play for Cuba Committee?

MR. SHAW. I fail to see the pertinency of these questions.

MR. SOURWINE. The pertinency of this question is the same as the last instance, if you are a member of the Fair Play for Cuba Committee it qualifies you as a person who can give this committee information and the committee's information is that you are a member and officer of the Fair Play for Cuba Committee and we want this fact on the record and I asked you about it.

MR. SHAW. I prefer not to answer that question.

Senator DODD. The Chair instructs and orders you to answer the question.

MR. SHAW. Again, I must resort to my constitutional privileges and rights.

Senator DODD. What are they? What ones are you asserting?

MR. SHAW. I am asserting the constitutional right which was inserted as a part of the Constitution and was called the Bill of Rights whereby an American citizen may not be forced to testify against himself.

Senator DODD. Very well.

MR. SOURWINE. Mr. Shaw, what meetings of the Fair Play for Cuba Committee have you attended?

MR. SHAW. This question is certainly one which is very peculiar since it has not been established I attended any meetings.

MR. SOURWINE. Mr. Shaw, the committee will establish that you have attended the meetings. The question is pertinent because we want to get your own testimony with respect to the meetings you have attended and what happened there.

Will you answer the question?

MR. SHAW. No; I prefer not to.

Senator DODD. The Chair orders and instructs you to answer it.

MR. SHAW. I must again resort to my constitutional privileges and rights.

Senator DODD. Go ahead, Mr. Sourwine.

MR. SHAW. To not be forced to be a witness against myself.

MR. SOURWINE. Mr. Shaw, specifically were you not present at a meeting of the organizing committee for the Detroit Chapter of the Fair Play for Cuba Committee on November 6, 1960, at 904 West Forest Avenue in Detroit?

MR. SHAW. I prefer not to answer that question.

Senator DODD. Well, you are instructed and ordered again to answer the question.

MR. SHAW. I must again resort to my constitutional privileges not to be required or forced to give testimony or be a witness against myself.

MR. SOURWINE. Mr. Shaw, isn't it true that at that meeting on November 6, 1960, you asked to be temporary chairman of the meeting because of your previous experience with the Fair Play for Cuba Committee?

MR. SHAW. I prefer not to answer that question also.

Senator DODD. If we have to go through this format all the time, the Chair orders you and instructs you to answer it——

MR. SHAW (interposing). I again feel obliged to resort to my constitutional rights.

Senator DODD (continuing). In order to save us time, why don't you simply assert each time your claim of constitutional privilege rather than go through this "I prefer not to answer" and then wait for me to order you and then assert your claim?

MR. SHAW. Time seems to be no problem since I was here since 10:30.

Senator DODD. Very well. If you waste the time and delay the Senate committee, let that appear on the record.

Go ahead, Mr. Sourwine.

MR. SOURWINE. Mr. Chairman, with the Chair's permission I would like to inform this witness that, if he thinks he can outwait the committee or that he can create a situation by which he will be excused from testifying, he is very much mistaken. I hope I expressed the sentiment of the committee.

Senator DODD. I can assure the witness this is a fact.

MR. SOURWINE. Isn't it true, Mr. Shaw, that on the occasion of the November 6, 1960, meeting of the organizing committee for a Detroit Chapter of the Fair Play for Cuba Committee, you asked to be temporary chairman because of your previous experience with the Fair Play for Cuba Committee?

MR. SHAW. I again feel obliged not to be required to answer that question.

MR. SOURWINE. On what grounds?

MR. SHAW. On the grounds that I don't see that it is pertinent and I cannot be a party to any activity of this committee which may restrict the freedom of assembly and rights of other people.

MR. SOURWINE. Mr. Shaw, the pertinency of the question rests in the fact that your presence at this meeting, if you will testify about it, lays the foundation of your ability to give us information respecting what happened there.

The claim of first amendment privilege does not avail you because your first amendment rights do not encompass the right to refuse to testify.



Mr. SHAW. I have not yet been forced to rely upon the basis of those rights.

Mr. SOURWINE. I ask the witness be instructed.

Senator DODD. The Chair orders and instructs you to answer.

Mr. SHAW. I must rely upon my basic constitutional privilege of not being required to bear witness against myself.

Mr. SOURWINE. Are you aware of Communist infiltration of the Fair Play for Cuba Committee?

Senator DODD. Please now, you don't need to write down each question as it is asked as you are apparently doing and take these long periods of delay between the question and the answer. You are not consulting your lawyer. You are just obviously delaying us as much as you can.

I want the record to show every detail of what has been going on here this morning.

Go ahead, Mr. Sourwine, and will you please answer that question, Mr. Witness?

Mr. SHAW. What was the question?

Mr. SOURWINE. Are you aware of Communist infiltration of the Fair Play for Cuba Committee?

Mr. SHAW. I prefer not to answer that question.

Senator DODD. You are ordered and instructed to answer it.

Mr. SHAW. And again I will have to resort to my basic constitutional guarantees and privileges and rights, particularly the one under which I am not required to bear witness against myself.

Mr. SOURWINE. Mr. Shaw, I put it to you as a fact and ask you to deny it if it is untrue, that a closed meeting was held at your home in November or December of 1960, at which certain phases of the activities of the Fair Play for Cuba Committee were discussed.

Mr. SHAW. I feel the same way about every question that seems to come up.

If I may read a statement into the record perhaps we can get at least my position clarified.

Senator DODD. These questions are very simple and you have been told several times that all you need do is answer and you will be given a full opportunity to make any statement you want to make. But we have some questions to ask you. You have been doing your best to prevent us from doing so. But we are going to ask them no matter how long it takes, and you are now ordered and instructed to answer the question that is pending.

Mr. SHAW. I must again resort to my constitutional rights under which I may not be forced to give testimony against myself.

Mr. SOURWINE. Mr. Shaw, at the November 6, 1960, organizing meeting for the Detroit chapter of the Fair Play for Cuba Committee, Ben Creech was appointed temporary recording secretary. Do you know Ben Creech as a member of the Socialist Workers Party?

Mr. SHAW. Well, I certainly don't intend to be called here to testify about other people's political beliefs and anything of that nature, because I feel that these are purely personal things and I have not inquired into the committee's political beliefs and I hope they won't inquire into mine or any people they may feel that I know.

Senator DODD. You answer the question. You are instructed and ordered to answer the question.

Mr. SHAW. Then I must resort again to my constitutional right under which I am not required to be forced to be a witness against myself.

Mr. SOURWINE. Mr. Shaw, at that meeting on November 6, 1960, a temporary steering committee was appointed, all assignments for the steering committee being voluntary. You were one member of that steering committee, were you not?

Mr. SHAW. Again, I feel that this is an attempt to smear some people and I just can't go along with it any more than I am forced to do so.

Senator DODD. You are ordered and instructed to answer the question.

Mr. SHAW. Then I must resort to my constitutional rights and refuse to be forced into giving testimony against myself.

Senator DODD. Proceed.

Mr. SOURWINE. Ernest Mazey, chairman of the Detroit Labor Forum, was another member of that steering committee, was he not?

Mr. SHAW. May I confer with my counsel for a moment?

Senator DODD. Yes.

Now have you completed your conference?

Mr. SHAW. Yes, I have.

Senator DODD. Proceed with the questions.

Mr. SOURWINE. You remember the question?

Senator DODD. Repeat the question.

Mr. SHAW. It dealt, I think, with a person.

Senator DODD. Well, let's get it right.

Mr. SOURWINE. My question was: Ernest Mazey of the Detroit Labor Forum was another member of that steering committee, was he not?

Mr. SHAW. Since I presume it is obvious that I am not going to cooperate with this committee in its attempt to investigate political and personal attitudes of persons, I wonder if I may just simply resort to saying that, for reasons previously stated, I prefer not to answer these questions.

Senator DODD. No. I think you are required to state your reasons.

Mr. SHAW. All right, sir.

Senator DODD. Sometime ago I asked you not to go through this formula that you have been using. Obviously you were using it for the purpose of using up time, but it is required that you assert your privilege; that is, what your refusal to answer is based on. You assert your constitutional privilege.

Mr. SHAW. I didn't understand that previously, but I am willing to do whatever you order me to do.

Mr. SOURWINE. The committee, sir, is not ordering you to claim your fifth-amendment privilege in any case and if your sole purpose here is to refuse cooperation with the committee, then there is no fifth-amendment privilege available to you for that purpose.

The fifth-amendment privilege is personal to you. It is a protection to you. You have the right to claim it when you honestly fear that a truthful answer to the question would incriminate you or tend to form a link in a chain to connect you with a prosecution.

If you do not have that honest fear, you do not have the right to claim the privilege.



Will you answer the question?

Senator DODD. Wait a minute. Is the record perfectly clear? The chairman told the witness it would be necessary for him to assert his claim of constitutional privilege as a basis for refusal to answer and the Chair is right in that, and I must insist that he do so under each question.

Mr. SOURWINE. Mr. Chairman, I had in mind only the possibility that the witness was attempting to make the record as though the chairman had instructed him that he should make the claim when it is really clear that the Chair is only telling the witness that when he wishes to claim the privilege, he must say so.

Senator DODD. That is right.

Mr. SOURWINE. The pending question is as to whether Ernest Mazey, chairman of the Detroit Labor Forum, was another member of the steering committee appointed at the November 6, 1960, organizing meeting for a Detroit chapter of the Fair Play for Cuba Committee.

Mr. SHAW. Again, I feel that this may infringe upon my rights and I prefer not to answer that question.

Senator DODD. Well, the Chair instructs and orders you to answer the question.

Mr. SHAW. Then I feel forced to resort to my constitutional privileges under which I may not be required to give testimony against myself.

Mr. SOURWINE. David Herreshoff, professor of English and literature at Wayne State University was another member of that steering committee, was he not?

Mr. SHAW. This question is similar to the previous one.

Senator DODD. You don't have to describe these questions, characterize them, or give lengthy comments every time a question is asked. Now you either answer the question or tell us your reason for not answering it; that is, your reason, based on your constitutional rights. We don't care what your opinion of the question is or to hear your comments on it and from this point on I am not going to permit you to engage in any more of these activities here. If you don't want to answer questions, you say so and you can say why.

Mr. SHAW. I had intended that my comments would explain why I preferred not to answer that question. However, if I am not allowed to do that—

Senator DODD. You are not explaining when you start to characterize counsel's questions. You are not explaining your refusal to answer.

Well, we are waiting for you. Are you going to answer the question or not?

Mr. SHAW. I prefer not to answer that question.

Senator DODD. The Chair orders and instructs you to answer it.

Mr. SHAW. Then I will have to resort to my constitutional privileges and guarantees under which I may not be required to give testimony against myself.

Mr. SOURWINE. Other members of that steering committee were Mr. Mazey, Arnold Kessler, who is affiliated with the Socialist Workers Party, and Dorothy Breitman, also affiliated with the Socialist Workers Party, is that not true?

Mr. SHAW. I feel obliged not to especially answer questions concerning other people's political beliefs, and I just prefer not to answer that question.

Senator DODD. Then you are ordered and instructed to answer it.

Mr. SHAW. Then I am forced to rely upon my constitutional guarantees under which I may not be forced to give testimony against myself.

Senator DODD. Don't you understand, Mr. Witness, that your preference, as you put it, not to answer questions is no excuse for not answering a question?

Mr. SHAW. I like to think of it as an additional excuse, sir.

Senator DODD. We are not interested. We have a lot of work to do in the Senate. We are not particularly interested in what your feelings are about these questions.

Now if you want to assert your constitutional claims, then you are perfectly free to do so. But you don't have to go into a lengthy dissertation about these questions every time one is asked you.

Go ahead, Mr. Sourwine.

Mr. SOURWINE. Mr. Shaw, in an effort to shorten the proceedings by reducing the number of required answers I put this to you as a statement of fact and ask you to deny it if it is untrue, to correct it if it is in any respect inaccurate: that on November 8, 1960, there was a closed meeting of the Fair Play for Cuba Committee at your home; that you spoke at that meeting, and at that meeting Dorothy Breitman was named the coordinator of the so-called Christmas in Cuba project.

Mr. SHAW. I again prefer not to answer that question.

Senator DODD. Well, the Chair instructs you and orders you to answer it.

Mr. SHAW. Under those conditions then I feel obliged to resort to my constitutional guarantees under which I may not be required to give witness against myself.

Mr. SOURWINE. I put it to you as a statement of fact, Mr. Shaw, and ask you to deny it if it is untrue, to correct it if it is in any respect inaccurate, that you acted as chairman of a meeting at McGregor Center, Wayne State University, November 18, 1960; the theme of the meeting being "Eye Witness to Cuba" and Paul Sweezy being the principal speaker.

Mr. SHAW. Again, I simply cannot see the pertinency of these questions and I will not give testimony which may, in some way or another, interfere with people's rights to hold meetings freely and to discuss, and so on.

Mr. SOURWINE. The pertinency of the question, Mr. Shaw, stems from the fact that this was an activity of the Fair Play for Cuba Committee and that the committee is interested in the activities of the Fair Play for Cuba Committee.

Will you answer the question?

Mr. SHAW. I prefer not to answer it.

Senator DODD. You are ordered and instructed to answer it.

Mr. SHAW. Then I feel obliged to again resort to my constitutional rights, under which I may not be forced to give testimony against myself.

Mr. SOURWINE. Mr. Shaw, is Paul Sweezy a member of the Fair Play For Cuba Committee?

Mr. SHAW. This question again deals with people's associations.

Senator DODD. We know what the question deals with. Will you answer the question or not?

Mr. SHAW. No.

Senator DODD. You are ordered then and instructed to do so.

Mr. SHAW. Then I must again resort to my constitutional privileges under which I may not be required to give testimony against myself.

Mr. SOURWINE. Mr. Shaw, I put it to you as a statement of fact and ask you to deny it if it is untrue or correct it if it is inaccurate: that on December 9, 1960, you attended and spoke at a Fair Play For Cuba Committee meeting and program in room 206, State Hall, Wayne University, that you were introduced by Harriet Taland, who chaired the meeting and at that meeting, slides on Cuba were shown, with Robert Himmel operating the slide projector.

Mr. SHAW. I feel these questions will lead to a hindrance upon people's rights to hold public meetings and discussions, and infringement of their first constitutional guarantees.

Senator DODD. You are ordered and instructed to answer the question.

Mr. SHAW. Then I will be forced to resort to my constitutional privileges and rights under which I may not be required to be a witness against myself.

Mr. SOURWINE. Mr. Shaw, do you know Harriet Talan and Robert Himmel as affiliated with the Socialist Workers Party?

Mr. SHAW. I don't want to answer questions about people's political affiliations.

Senator DODD. You are ordered and instructed to answer the question.

Mr. SHAW. And again I must resort to the constitutional guarantees under which I may not be forced to give testimony against myself.

Mr. SOURWINE. Mr. Shaw, you are the Edwin Shaw who is mid-west regional representative of the Fair Play For Cuba Committee, are you not?

Mr. SHAW. I prefer not to answer that question.

Senator DODD. You are instructed and ordered to answer it.

Mr. SHAW. Then I must, under my constitutional guarantees, one of which guarantees that I may not be forced to be a witness against myself, I must decline to answer that question.

Mr. SOURWINE. Didn't you take part in establishing a Detroit Chapter of the Fair Play For Cuba Committee?

Mr. SHAW. Again I prefer not to answer the question.

Senator DODD. You are ordered and instructed to answer it.

Mr. SHAW. Then again I must take refuge in my constitutional guarantees, one of which I may not be required to give testimony against myself.

Mr. SOURWINE. Mr. Shaw, I show you a photostat of a letter dated October 18, 1960, and signed with the name, Edward Shaw. Are you the Edward Shaw who signed that letter?

Mr. SHAW. May I ask advice of my counsel?

Senator DODD. You don't have to have permission to ask advice of your counsel.

Mr. SHAW. All right.

Senator DODD. You have been asking his advice right along here. You know, it is not necessary to cover your face if you confer. If you would like to step outside, you can do that.

Mr. SHAW. There is no need to take that time from the committee.

Mr. FAULKNER. Do you object to our covering our faces?

Senator DODD. I say there is no need to do it. If you want more privacy we will be glad to make it available to you.

Mr. FAULKNER. It won't be necessary.

Mr. SHAW. I must decline to answer that question.

Senator DODD. You are ordered and instructed to answer the question.

Mr. SHAW. Then I must resort to my constitutional privileges and rights under which I may not be required to give testimony against myself.

Mr. SOURWINE. I ask that this letter may go into the record at this point, Mr. Chairman.

Senator DODD. It may be included.



(The letter referred to was marked "Exhibit No. 46" and reads as follows:)

EXHIBIT No. 46

Edward Shaw  
1057 E. Grand Blvd.  
Det. 7, Mich.  
October 18, 1960

Dear Friend,

Robert Taber, Executive Secretary of the Fair Play for Cuba Committee, will be in Detroit next Sunday, October 23. His main purpose in visiting Detroit is to help establish a Detroit chapter of the Fair Play for Cuba Committee.

The aim of the FPCC is to combat the lies, distortions and omissions of fact that are unfortunately typical of most stories about Cuba today in magazines and newspapers and on radio and television.

Everyone who would like to help overcome the ignorance, distrust and fear of Cuba which stems from false reporting is invited to attend the meeting where Mr. Taber will further explain the work of the committee and offer his suggestions for the formation of a Detroit Chapter.

A short film, "Year of Freedom," which provides graphic examples of the Cuban people's struggle to improve their lot will be shown after the meeting.

TIME: Sunday, October 23, at 4:00 p.m. sharp

PLACE: 904 West Forest Ave (near 4th)

Sincerely,

*Edward Shaw*

For further information please call WA 4-8037

Mr. SOURWINE. Will you tell us, Mr. Shaw, to whom copies of this letter were sent?

Mr. SHAW. Well obviously, I will decline to answer that question.

Mr. SOURWINE. Why?

Mr. SHAW. Because it is related to the previous question which I declined to answer.

Senator DODD. You are ordered and instructed to answer the question.

Mr. SHAW. Then I am obliged to resort to my constitutional guarantees under which I may not be required to give testimony against myself.

Senator DODD. We will recess and be back at 2:30.

Mr. SHAW. That is today, I presume.

Senator DODD. Today, yes.

(Whereupon, at 12 noon the subcommittee recessed to reconvene at 3 p.m. of the same day.)

Senator KEATING (presiding). The subcommittee will come to order.

Proceed, Mr. Sourwine.

Mr. SOURWINE. Mr. Shaw—

Mr. FAULKNER. Mr. Senator, may I again place my objection on the record, which I did this morning, that this being an executive session, as I understand, that I object to anyone being in the room other than authorized personnel of the committee.

Senator KEATING. Everyone in the room is authorized by the committee to be here.

Your objection is overruled.

Proceed, counsel.

Mr. SOURWINE. Mr. Shaw, will you tell the committee who pays your salary as midwest regional director of the Fair Play for Cuba Committee?

Mr. SHAW. I feel obliged not to answer that question.

Senator KEATING. Wait a minute. You are directed to answer.

Mr. SHAW. Then I must resort to my constitutional rights and privileges, one of which requires that I may not be forced to be a witness against myself.

Mr. SOURWINE. Have you, sir, received payments from the Fair Play for Cuba Committee headquarters in New York?

Mr. SHAW. I again prefer not to answer that.

Senator KEATING. You are directed to answer.

Mr. SHAW. I must again rely upon my constitutional guarantees under which I may not be required, against my will, to testify against myself.

Mr. SOURWINE. Mr. Shaw, have you been active in the organization of Fair Play for Cuba Committee units on the campuses of Wayne State University and the University of Michigan?

Mr. SHAW. I again must decline to answer.

Senator KEATING. You are directed to answer.

Mr. SHAW. I then again must resort to my constitutional guarantees under which I may not be forced to testify against myself.

Mr. SOURWINE. Mr. Chairman, I believe that today we are not going to get any information of a helpful nature out of this witness.

It may be that at a later date, as the Supreme Court has pointed out, he might answer some of our questions. I suggest he be held over for hearing tomorrow.

Senator KEATING. That will be done. I want to ask one question. Are you a member of the Communist Party?

Mr. SHAW. I must again, because I feel that this may jeopardize me some time in the future, if I participate in answering it for the record on sworn testimony, questions which relate to my political convictions and so forth, I prefer not to answer that question.

Senator KEATING. You are directed to answer it.

Mr. SHAW. Then I must resort to my constitutional privileges and guarantees under which I may not be forced against my will to testify or give testimony which may be at some time or another used against me.

Senator KEATING. Anything else, counsel?

Mr. SOURWINE. Not today, sir, unless the Chair desires that we go further.

I think it would be fruitless today. We might have better success tomorrow.

Mr. SHAW. May I then read my statement?

Senator KEATING. How long is it? One page?

Mr. SHAW. Less than one page.

Senator KEATING. Go ahead.

Mr. SHAW. As an American whose lineage can be traced to ancestors who took part in the birth of the United States of America as an independent and sovereign nation, I am proud to have been called before this subcommittee. It is no accident that the Senator from Mississippi, who signed the subpoena ordering me to testify today, a Senator who does not recognize the first amendment or the fourteenth amendment to our Constitution, who comes from a State which does not allow nearly half of its adult citizens to vote, who, with his colleagues on this subcommittee, is attempting to smear and stifle those who would uphold the integrity, dignity and honor of the United States, should consider me a danger to his concept of the American way of life.

Attack by this subcommittee implies recognition by the enemies of freedom at home and abroad that my efforts on behalf of freedom and truth have been to some avail. I feel honored.

I will not be intimidated into cooperating with you in your efforts to suppress the free expression of public indignation over the illegal and immoral invasion of Cuba by the U.S. Government and its Central Intelligence Agency. To facilitate further warlike moves against Cuba, this inquisitorial body is trying to subvert freedom of expression and other traditional liberties, to intimidate individuals and organizations who dare to speak and write the truth and to cover the entire Nation with that atmosphere of prejudice, hatred, fear, and oppression which persists in the home State of Mr. Eastland and to which he owes his present position as U.S. Senator.

Senator KEATING. The only comment of the chairman is that, as one who also traces his lineage on one side to our early days, he is bound to say that he welcomes those patriotic, naturalized citizens

and new citizens of this country who have lived under Communist tyranny and who cooperate with this committee in its efforts to meet this international menace.

Most of the Americans, over 99 percent of them, who similarly trace their lineage, also cooperate with this committee. Fortunately, for our country, it is only a small number who refuse.

You are directed to appear here at 10 o'clock tomorrow morning. (End executive testimony.)

Senator KEATING. Does that complete the witness except for the reading of his statement?

Mr. SOURWINE. No, it does not. I have a number of other questions, Mr. Chairman.

Mr. Shaw, on November 8, 1960, there was a closed meeting of the Fair Play for Cuba Committee at your home, was there not?

Mr. SHAW. May I confer with my counsel, please, for a moment?

This question was asked yesterday and I believe I have already answered the interrogator here that I do not intend to cooperate to any greater degree today than I did yesterday, and I fail to see his purpose in pursuing this line of argument.

Senator KEATING. You are directed to answer.

Mr. SHAW. Having been ordered by the subcommittee to answer the question, I have no other alternative but to resort to the guarantees of our Constitution so wisely inserted in the Bill of Rights by our forefathers, under which I may not be forced, against my will, to give any evidence under oath which could at some time or another, be used against me.

Mr. SOURWINE. All right, sir.

Senator COTTON. Just a moment. I would like to ask the witness a question. I was unable to be here yesterday. I would like, in view of your observation about the wisdom and the justice of the fifth amendment of the Constitution, to ask you: Would you be prepared to defend our Constitution against all enemies, foreign and domestic?

Mr. SHAW. Of course, sir.

Senator COTTON. You would?

Mr. SHAW. Yes.

Mr. SOURWINE. If this country should get into an open war with the Soviet Union, would you fight for the United States?

Mr. SHAW. I fail to see the relevancy of this question to the stated purpose of the committee.

Mr. SOURWINE. This question is designed to test the credibility of the witness' answer to the question just asked and answered.

Mr. SHAW. I must say that, in any case of any war between two countries, I will always be on the side of justice.

Senator KEATING. That is not an answer to the question, Mr. Witness.

You are directed to answer the question put to you by counsel.

Mr. SHAW. Please repeat the question?

Mr. SOURWINE. In the event the United States should get into an open war with the Soviet Union, would you fight for this country?

Mr. SHAW. Well, I must say that my experience in the Armed Forces of this country and later experiences with witch-hunting subcommittees of the Senate and the Congress, I probably would not be allowed to fight in any war that this country engaged in.



Senator COTTON. What do you mean by your statement that, if this country was engaged in a war, you would be on the side of justice? Do you mean you might fight against this country if you felt that justice was on the other side?

Mr. SHAW. I mean, sir, that, along with certain forefathers of mine who fought against King George of England for the independence of this Nation, I find justice the highest aim of mankind and national determination as a secondary consideration.

Senator KEATING. You mean to say that you might, under some circumstances, find justice on the side of some enemy of the United States and would fight on their side against the United States?

Mr. SHAW. I did not mean to say that.

Senator KEATING. Well, will you answer the question?

Senator COTTON. Just a moment. You said you would be on the side of justice.

Now that answer, if you intended it—and you apparently are very thoughtful in your answers and advised by counsel and watching every word—if you intended that answer, it doesn't simply mean that you would be nonactive or refuse to fight for the United States. You said you would be on the side of justice, which means you would conceivably actively fight against this country.

Did you mean that or did you not?

Mr. SHAW. May I ask if I would be allowed to fight for the United States?

Senator COTTON. I don't know anything about what you would be allowed to fight for. I am not the witness here.

Mr. SHAW. I understand your sentiments.

Senator COTTON. What is that?

Mr. SHAW. I say I understand your sentiments.

Senator COTTON. I have taken an oath to support and defend the Constitution of this country. I am asking you, sir.

Mr. SHAW. I have also.

Senator COTTON. What do you mean by that answer?

Mr. SHAW. I have taken an oath to support and defend the Constitution of this country.

Senator COTTON. Will you answer my question?

By your answer that you would be on the side of justice, did you mean that, conceivably, you might fight against the United States if you thought that the cause of justice lay on the other side?

Mr. SHAW. Because of certain legal technicalities which I understand often have no connection with reason or logic, I would like to confer with my counsel in this.

Sir, I truly, under present circumstances, can conceive of no situation in which I would not defend the United States against any of its enemies.

However, my statement was intended to convey the fact that there is, some time in the future perhaps, the remote possibility that the Government of the United States could be captured or overthrown by either a Fascist government, perhaps something in the nature of the John Birch Society, with whom I disagree, might capture the Government of the United States and under those circumstances, I would feel the Government of the United States, if this possibility should ever occur, would not be the United States itself and to fight

against any tyrannical government which could possibly develop in this country in the future I think would be in the best interest of the people and the country of the United States.

Senator KEATING. In other words, your position is that if this Government was under the control of people with whom you disagree, then you would feel free to fight against this Government.

Mr. SHAW. Sir, I do not appreciate your putting other words in my mouth because they are not other words from me.

I say if, in addition to my disagreeing with them, I would disagree with them because they were either facist or tyrants and I do disagree with fascists and tyrants—

Senator COTTON. By that you mean the possibility of the Government being overthrown by violence or by different people?

Mr. SHAW. To my knowledge, the possibility of the Government being overthrown by the will of the people is extremely limited, and I don't foresee the possibility that the Government of the United States will ever be overthrown in that context and replaced by a tyrannical government through a vote of the people, because tyranny does not rest upon the will of the people.

Mr. SOURWINE. Mr. Shaw, if this Government should intervene in Cuba to eliminate communism from that island republic, would you support the United States in this effort?

Mr. SHAW. Sir, I would find myself with a great problem there because I would not care to violate any of the laws of the United States and I understand our neutrality act forbids any such venture on my part and therefore, such testimony at this time could certainly compromise me, my position.

Senator KEATING. Wait a minute, counsel. Let's get some order here.

Now you have asked this witness a question and I want the question answered. Are there circumstances under which, if this country became engaged in a war with the Soviet Union that you would fight on the side of the Soviet Union?

Mr. SHAW. I beg your pardon. I was interrupted by a representative of the press.

Senator KEATING. Are there circumstances under which, if this country should find itself engaged in the war with the Soviet Union, you would actually fight on the side of the Soviet Union?

Mr. SHAW. I can't conceive of any circumstances under which that would be the case.

Senator KEATING. Go ahead.

Mr. SOURWINE. Are you the same Edward Shaw who was introduced as the regional director of the Fair Play for Cuba Committee at a meeting of that committee on December 9, 1960, in room 206, State Hall, Wayne University?

Mr. SHAW. This question also was asked yesterday and since the testimony is going to be included in today's record, I really see no point in pursuing these things any further.

Mr. SOURWINE. This question is asked in the hope you might today answer it, even though you refused to do so yesterday.

Mr. SHAW. Well, I beg your pardon, sir. But I am not experienced in these matters and this is my first opportunity that I have ever had to meet a real live Senator face to face or even counsel such as your-

self, and I fail to find your reasoning or your method of reasoning very appealing to me. You have already asked me.

Senator KEATING. We are not interested in your dissertations, Mr. Shaw. You will either answer the question or you will decline to answer it.

Mr. SHAW. Well, I decline to answer it because I have already answered it yesterday when this question was asked of me and the record is going to be inserted, I understand, in the public hearing.

Senator KEATING. You are directed to answer the question.

Mr. SHAW. Having been directed, I have no other alternative but to resort to the guarantees of our Constitution under which I cannot be forced, against my will, to give testimony which may be construed as being against myself.

Mr. SOURWINE. Mr. Shaw, I show you a letter which is in our records from yesterday which has what purports to be your signature at the bottom. I will give you an opportunity if you will do so, to identify that signature.

Mr. SHAW. I must answer this question, also, the same as I did yesterday.

Mr. SOURWINE. Mr. Chairman, I ask that this be shown to the witness, this is the expense voucher, Mr. Shaw, which you signed this morning. Can you identify your signature on that voucher?

Mr. SHAW. What kind of trick is this?

Senator KEATING. Is it necessary to confer with counsel on that?

Mr. FAULKNER. We are waiting for the question.

Mr. SOURWINE. I asked the witness if he would identify his signature on this voucher.

Mr. SHAW. Yes; sure.

Mr. SOURWINE. I ask, Mr. Chairman, that this voucher may be admitted into the record.

I ask that the committee staff be instructed to arrange for a comparison of signatures on this voucher and on the letter and that an affidavit with respect to the result of that comparison be inserted in the record at this point.

Senator KEATING. That will be done.

(The voucher and affidavit were marked "Exhibit 46-A, 46-B, 46-C and 46-D" and are printed on succeeding pages:)



EXHIBIT 46-A

Do not write in this space

Check No. ....

Date .....

Voucher No. ....

Approp. EXPENSES OF INQUIRIES  
AND INVESTIGATIONS

The Senate of the United States

TO: ..... Dr.

19.....

For attendance as a witness before the .....

..... under authority of

....., ..... days at \$..... per day, \$.....

Transportation from .....  
to ..... and return - - - - - \$.....

\$.....

Correct:

.....  
Clerk.

Approved:

.....  
Chairman.

..... Dollars, in full of the above account.  
100

Approved:

x *Edward W. Shaw*  
(Witness)

.....  
Chairman, Committee on Rules and Administration.

EXHIBIT 46-B

November 1, 1960

Dear Friend,

Detroit area members and supporters of the Fair Play for Cuba Committee will meet this Sunday to inaugurate a Detroit Chapter of the FPCC.

TIME: SUNDAY, NOVEMBER 6, 4:00 P.M. (sharp)

PLACE: 904 W. FOREST (Forest and Fourth)

It is tentatively proposed that the meeting take up the following points:

1. Membership
2. Activities for the immediate future
3. Selection of temporary steering committee
4. Formal application to the FPCC for Detroit Charter

You are cordially invited to attend and to bring friends or acquaintances who wish to participate.

Sincerely,



Edward Shaw

For further information call WA 4-8037

## EXHIBIT 46-C

JUNE 21, 1961.  
Lab. Report No. 9121.

Director, Investigation Service.  
Chief, Identification & Detection Division.  
Signature comparison concerning Edward W. Shaw.  
Type of examination: Handwriting.

1. The following report is predicated on request in memorandum dated June 21, 1961, from Frank W. Schroeder, Investigator, Internal Security Subcommittee of the U.S. Senate to which was attached an unexecuted voucher bearing the heading "The Senate of the United States" and signed "Edward W. Shaw." There also was attached a photocopy of a letter dated November 1, 1960, beginning "Dear Friend" and signed "Edward Shaw."

## REQUEST

2. To determine whether the signatures appearing on the two aforescribed documents were written by one and the same person.

## CONCLUSION

3. The tentative conclusion has been reached that the signature "Edward Shaw" on the "Dear Friend" letter dated November 1, 1960, was written by the same persons who signed the name "Edward W. Shaw" on an unexecuted voucher sheet with heading "The Senate of the United States." This conclusion is tentative for the reason that the letter dated November 1, 1960, is a photocopy and as such has not reproduced the signature appearing thereon in the desired detail necessary for a complete examination.

4. The unexecuted voucher and letter of November 1, 1960, are attached.

HAROLD J. E. GESELL.

Atts.

## EXHIBIT 46-D

JUNE 21, 1961.

Mr. FRANK W. SCHROEDER,  
*Investigator, Internal Security Subcommittee, New Senate Office Building, Washington, D.C.*

DEAR Mr. SCHROEDER: Reference is made to your memorandum of June 21, 1961, transmitting an unexecuted voucher bearing signature "Edward W. Shaw" and a photocopy of a letter dated November 1, 1960, signed "Edward Shaw" for examination in the Identification and Detection Division of this Service.

In compliance with your request find attached report of the Chief, Identification and Detection Division pertaining to a handwriting examination.

You will note the report reflects that a tentative conclusion was reached that the two documents in question were signed by one and the same person.

You may rely on our continued cooperation in any matter in which this office can be of assistance.

Very truly yours,

A. K. MAIERS,  
*Director, Investigation Service.*

Att.

Mr. SOURWINE. Mr. Shaw, I state it as a fact and ask you to deny it if it is untrue, to correct it if the statement is in any respect inaccurate, that new officers of the Fair Play for Cuba Committee chapter in the Detroit area were elected at a meeting on June 5, 1961, at the Trade Union Leadership Council, 8670 Grand River Avenue, and that the officers then elected were Ed Shaw, chairman; David L. Elsia, secretary; and Sidney Brown, treasurer.

Mr. SHAW. I prefer not to answer that question.

Senator KEATING. You are directed to answer it.

Mr. SHAW. Well, I must, along the lines previously indicated and with a slight addition of the fact that I prefer not to testify about



any of the feelings of other people before a committee of this nature but mainly because I feel I must resort to the constitutional guarantees under which I may not be required to bear witness against myself.

Mr. SOURWINE. Mr. Shaw, have you participated in demonstrations or picketing sponsored or instigated by the Fair Play for Cuba Committee or its Detroit chapter?

Mr. SHAW. I fail to see the pertinency of this question to whether or not some group which you are investigating is under Communist influence.

Senator KEATING. You are directed to answer.

Mr. SHAW. Having been directed by the chairman, I presume, who is the chairman of this meeting, Senator Keating, to answer, I am again forced to resort to the guarantees of the Constitution under which I may not be forced, against my will, to give testimony which may at some future time be taken to be against myself.

Mr. SOURWINE. Mr. Shaw, I show you the photograph which has been admitted in the record of this hearing as exhibit 39. Will you look at that, please? Do you recognize yourself in this photograph?

Mr. SHAW. Excuse me a second, while I confer with counsel.

Is it of your opinion that picketing is illegal or in some way derogatory?

Senator KEATING. Now you are not asking questions, Mr. Shaw. Either answer the question or state your reason.

Mr. SHAW. Since I can't get an answer to that question, I certainly hesitate to answer the question that was asked of me.

Senator KEATING. Well, you are directed to answer.

Mr. SHAW. Having been directed, then I have no other alternative than to resort to our constitutional guarantees under which I may not be forced, against my will, to bear witness against myself.

Senator COTTON. Just one minute. When you say constitutional guarantees, do you refer to the fifth amendment?

Mr. SHAW. I refer to the fifth section of our Bill of Rights which was inserted or added to the Constitution by our Founding Fathers.

Senator COTTON. That is against self-incrimination.

Mr. SHAW. No, sir; I have never seen the words "self-incrimination" in the Constitution. Perhaps you should read it yourself again.

Senator COTTON. You, however, refer to that section.

Mr. SHAW. What section, sir?

Senator COTTON. That you have just described. Would you describe it again?

Mr. SHAW. I refer to the section that says no citizen may be compelled to give witness against himself.

Senator COTTON. Thank you.

Mr. SOURWINE. Mr. Shaw, I show you a photograph which has been admitted in this record as exhibit 37. Will you look at it please?

Senator KEATING. Now, let's shorten this thing up. If you are shown all of these photographs with your picture, will your answer be the same as it was to the first picture?

Mr. SHAW. Sir, such a question, if I am shown all the photographs of my picture in it will I refuse, I have not noticed any photographs where I noticed my picture.

Mr. SOURWINE. Will you look at this photograph, exhibit 37, in this record? Do you recognize the man with the camera hanging from a strap around his neck as yourself?

Mr. SHAW. I must answer this question as I have in relation to the previous picture shown to me.

Mr. SOURWINE. Mr. Shaw, how do you account for the fact that the Fair Play for Cuba Committee is supported by both the Communist Party, U.S.A. and the Socialist Workers Party, two organizations which ordinarily oppose each other.

Mr. SHAW. I can't quite determine if you are asking me or telling me under these circumstances.

Mr. SOURWINE. Do you deny, sir, that the Fair Play for Cuba Committee is supported by both the Communist Party, U.S.A. and the Socialist Workers Party?

Mr. SHAW. I prefer not to get into the question of political beliefs of people who may or may not take the position on questions which are of great importance in our society.

Senator KEATING. You are directed to answer.

Mr. SHAW. And in addition, having been directed to answer, I must again resort to the guarantees of our Constitution under which I may not be required to give witness against myself.

Mr. SOURWINE. Mr. Shaw, do you know Robert Taber, the executive secretary of the Fair Play for Cuba Committee?

Mr. SHAW. Excuse me for a moment.

I must decline to answer that question because of the nature of this interrogation.

Senator KEATING. You are directed to answer.

Mr. SHAW. I certainly feel I have the right to know anybody I please without being required—

Senator KEATING. You are directed to answer the question, Mr. Shaw.

Mr. SHAW. Since I have been directed and have no other alternative, I must resort to the constitutional guarantees of the freedom of speech in association of all U.S. citizens and also I must resort to the guarantees of our Constitution under which no citizen may be required, against his will, to give testimony which can be construed to be against himself at some future date.

Mr. SOURWINE. Mr. Shaw, I put it to you as a statement of fact and ask you to deny it if it is untrue, to correct it if it is in any respect inaccurate, that you do know Robert Taber, that he came to Detroit in October 1960, that he spoke at 904 West Forest Avenue, Detroit, on October 23, 1960, that you were present at the time, and that the main purpose of Taber's visit to Detroit was to help establish a chapter of the Fair Play for Cuba Committee, and that while he was in Detroit he spent several days at your residence at 1057 East Grand Boulevard, and that while there he assisted you in organizing the Fair Play for Cuba Committee in the Detroit area.

Mr. SHAW. Is that one question, sir?

Mr. SOURWINE. Yes, sir.

Mr. SHAW. I must again say that I feel it is a prerogative of any citizen to certainly have his visitors at his home.

Senator KEATING. You are directed to answer the question.

Mr. SHAW. Having been directed by this body to answer this question, I have no alternative but to resort to the guarantees of our Constitution, guaranteeing freedom of assembly and association and also since this committee apparently does not recognize the first amendment to our Constitution and because I also feel that some future time I may be in difficulty as a result of this hearing, I resort to the guarantee under which I may not be required to give testimony against myself.

Senator KEATING. This committee recognizes all of the amendments to the Constitution, Mr. Witness.

The committee will take a 2-minute recess.

(Short recess taken.)

Senator KEATING. The subcommittee will come to order.

Counsel, proceed.

Mr. SOURWINE. Mr. Shaw, I show you a photostat of the letter dated October 18, 1960, bearing the signature of one Edward Shaw. I ask if this is your signature.

Mr. SHAW. I decline to answer that question.

Senator KEATING. You are directed to answer.

Mr. SHAW. Having been directed, I have no alternative but to resort to the constitutional guarantee under which I may not be required or compelled to give witness against myself.

Mr. SOURWINE. Mr. Chairman, I ask that this photostat of the letter which has been shown to the witness be inserted in the record at this point and that the order previously entered respecting comparison of signatures be broadened to include also the comparison of this letter with the authentic signature on the voucher which the witness has acknowledged.

(The letter referred to is printed at p. 264 of this record.)

Mr. SOURWINE. Mr. Shaw, I show you a photostatic copy of a mimeographed handbill or throwaway bearing the caption "Castro's Cuba" and advertising a speech by Robert Taber.

Have you seen the handbill or one of the handbills of which this is a photocopy?

Mr. SHAW. I must decline to answer that question.

Senator KEATING. You are directed to answer it.

Mr. SHAW. Having been directed, I have no alternative but to resort to the constitutional guarantees under which I may not be compelled to give witness against myself.

Senator KEATING. Do you know where Robert Taber is now?

Mr. SHAW. Excuse me for a moment.

I must decline to answer that question.

Senator KEATING. You are directed to answer it.

Mr. SHAW. Pardon?

Senator KEATING. You are directed to answer it.

Mr. SHAW. Having been directed to answer, I must resort to the guarantees of our Constitution under which I may not be compelled against my will to give witness or testimony which may at some future date be used against me.

Senator KEATING. It will be necessary, because of another meeting in the next room, for the chairman to be there for about 5 minutes.

The committee will take a 5-minute recess.

(Short recess taken.)



Senator KEATING. Subcommittee will come to order.

Mr. SOURWINE. Mr. Chairman, before I ask another question I would like to offer for the record the photocopy of the handbill, the throwaway, "Castro's Cuba," about which the witness has just been questioned.

Senator KEATING. It will be received subject to later verification.

(The document referred to was marked "Exhibit No. 47" and is reproduced below:)

## EXHIBIT No. 47

AN APPEAL FOR SYMPATHY AND UNDERSTANDING:

## CASTRO'S CUBA

TUES., OCT. 25, 8 P.M.  
ROOM 106, STATE HALL

Speaker: **ROBERT TABER**

Executive Secretary, Fair Play For Cuba Committee

## WHO IS ROBERT TABER?

He is a physician who just last week returned from another trip to Havana. As a CBS newsmen he was an eyewitness to the Cuban revolution. In 1957 and 1958, he spent several months behind the lines with the tormented guerrilla fighters. He witnessed Castro's triumphant entry into Havana and has since returned to Cuba several times doing research for a forthcoming book.

## WHAT IS THE FAIR PLAY FOR CUBA COMMITTEE?

It was formed to "...disseminate truth, to combat untruth, to publish the factual information which the U. S. mass media suppress, which the American public has the right to know..."

## WHO STARTED IT?

It was formed last April by a group of writers, artists, journalists and professionals among whom were James Baldwin, Simone de Beauvoir, Truman Capote, John Killens, Sidney Lens, Jean Paul Sartre, Kenneth Tynan and many others. Prominent members now include G. Wright Mills, Waldo Frank, Carlton Beale, Robert F. Williams, I.P. Stone, Maxwell Geismar, Leo Huberman and Paul Sweezy.

Sponsor: Independent Socialist Club, Political Science Department

Senator KEATING. Are there further questions of this witness?

Mr. SOURWINE. I have additional questions of this witness, yes.

Senator KEATING. I regret to say that the Senate has gone into session and while we do have permission to sit, it is necessary for the chairman to be on the floor and I shall adjourn this hearing until 2:30 this afternoon. The witness now testifying and all other witnesses are directed to return at that time.

The subcommittee will recess.

(Whereupon, at 11:25 a.m., the subcommittee recessed until 2:30 p.m., of the same day.)

#### AFTERNOON SESSION

Senator KEATING. The subcommittee will come to order.

Mr. Shaw, will you resume the stand, please?

Proceed, Counsel.

Mr. FAULKNER. Mr. Senator, may I apologize to the committee for the few minutes delay. As I explained to you, my client had forgotten some papers at the hotel and had to run back and get them.

Senator KEATING. It is understandable. The members of the committee are necessarily late sometimes.

Mr. FAULKNER. Thank you.

Senator KEATING. Proceed, Counsel.

#### TESTIMONY OF EDWARD SHAW—Resumed

Mr. SOURWINE. Mr. Shaw, I put it to you as a statement of fact and ask you to deny it, if it is untrue, or correct it, if it is in some respect inaccurate, that you addressed a meeting of the Fair Play for Cuba Committee in Detroit at 1057 East Grand Boulevard on January 22, 1961, and that you there reported upon hearings held by this committee on the subject of the Fair Play for Cuba Committee, and that you then announced to the group that the fact of the matter is—not yet announced in the press to date—was that the Fair Play for Cuba Committee had been ordered to register as an agent of a foreign country; but that this actually did not mean too much because a travel agency which helps promote travel business for a foreign nation can also be called an agent of a foreign power.

Mr. SHAW. Is that the end of your question?

Mr. SOURWINE. Yes.

Mr. SHAW. In general line with the procedure that has been apparently an attempt to smear me here, I must decline to answer that question.

Senator KEATING. You are directed to answer it.

Mr. SHAW. Then I must again resort to the privileges guaranteed to me by the Constitution, under which I may not be required to give testimony against my will, which may at one time or another seem to be against myself or prove to be testimony against myself.

Mr. SOURWINE. Mr. Shaw, is the Fair Play for Cuba Committee a travel agency which helps to promote travel business for a foreign nation?

Mr. SHAW. I certainly do fail to see the relevancy of this question in connection with the stated purpose of this investigation.

Senator KEATING. You are directed to answer the question.

Mr. SHAW. Having been directed, I have no other choice but to rely upon the guarantees of the Constitution, under which I may not be forced to give testimony against myself.

Mr. SOURWINE. Mr. Shaw, I show you a photocopy of the handbill entitled, "The Cuba I Saw," referring to a proposed speech by Edward Shaw, regional director of the Cuba Fair Play Committee, Friday, December 9, State Hall, under the sponsorship of the Independent Socialist Club organized under the auspices of the Political Science Department.

Would you look at that, please?

The question is, Did you have anything to do with the preparation or distribution of this handbill, of which this is a photocopy?

Mr. SHAW. Could you explain the relevancy of this to the stated purpose of the committee?

Senator KEATING. The relevancy of this question is covered by the statement already made by counsel and you are directed to answer the question.

Mr. SHAW. Well, having been directed, and with no further opportunity to have my question answered, I must again resort to the guarantees of the Constitution under which I may not be compelled to be a witness against myself.

Mr. SOURWINE. I offer this for the record, Mr. Chairman.

Senator KEATING. It will be received and printed at a later time.



(The document referred to was marked "Exhibit No. 48" and reads as follows:)

## EXHIBIT No 48

# "THE CUBA I SAW"

SPEAKER

**EDWARD  
SHAW**

Midwest Regional Director, Fair Play for Cuba Committee.

Mr. Shaw has just returned from a 2-week tour in Cuba. He will show slides of his experiences over the Christmas holidays.

*Mr. Shaw will discuss:*

- \* Why the overwhelming majority of the Cuban people support Castro.
- \* The Agrarian Reform and the new "Urban Reform" laws.
- \* The true state of the Cuban economy — is it really collapsing?
- \* The progress of the education and literacy campaigns.
- \* Civil Rights today in Cuba.

Mr. Shaw will also show slides of pictures he took while in Cuba.

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FRIDAY, DEC. 9

STATE HALL

—

2-4 PM

ROOM 206

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Sponsor: INDEPENDENT SOCIALIST CLUB (Organized under the auspices of the Political Science Department.)

Mr. SOURWINE. Mr. Shaw, did you, in fact, make a speech on Friday, December 9, at the State Hall, as advertised in this handbill?

Mr. SHAW. Again I must say I would like to have the relevancy of this question explained.

Senator KEATING. You are directed to answer the question.

Mr. SHAW. And having been directed and not having the opportunity to have my question answered, I again resort to my guarantees under the U.S. Constitution, where I cannot be compelled to be a witness against myself.

Mr. SOURWINE. Mr. Shaw, what is the Independent Socialist group referred to in this handbill?

Mr. SHAW. On this question, again I would like to have the relevancy explained.

Senator KEATING. You are directed to answer the question.

Mr. SHAW. And again, then, having been directed to answer, I must resort to the guarantees of our Constitution, under which I shall not or cannot be compelled against my will to be a witness against myself.

Mr. SOURWINE. Will you tell us, Mr. Shaw, what is the Political Science Department referred to in this handbill?

Mr. SHAW. Excuse me for a moment. This question is related to the others, and therefore my question about pertinency remains in effect.

Senator KEATING. You are directed to answer the question.

Mr. SHAW. Having been directed to answer, I have no other alternative but to resort to the guarantees of our Constitution, under which I cannot be compelled to be witness against myself.

Mr. SOURWINE. Mr. Shaw, who pays your salary as Midwest Regional Director of the Fair Play for Cuba Committee?

Mr. SHAW. This question was asked yesterday, I believe, and I declined to answer, again for the same reasons given yesterday.

Senator KEATING. You are directed to answer.

Mr. SHAW. Then I must resort to the guarantees of the Constitution of the United States under which I cannot be compelled against my will to be a witness against myself.

Mr. SOURWINE. Mr. Shaw, I will tell you that a partial audit of the Fair Play for Cuba Committee account at the Chase Manhattan Bank, 84 Fifth Avenue, New York City, shows the following checks drawn to you:

March 28, 1961, \$194 for two weeks' salary covering the period of March 12 to March 26, inclusive;

April 8, 1961, \$15 for showing slides;

April 12, 1961, \$194 for two weeks' salary.

Now, did you receive these checks?

Mr. SHAW. I decline to answer that question.

Senator KEATING. You are directed to answer it.

Mr. SHAW. Then I have no other alternative but to resort to the constitutional guarantees, under which I cannot be compelled to be a witness against myself.

Mr. SOURWINE. These checks, Mr. Shaw, cleared through the Detroit Bank & Trust Co. Is that your Bank?

Mr. SHAW. This question is also related to whatever matter the committee deems pertinent under this line of investigation, and I decline to answer it.

Senator KEATING. You are directed to answer it.

Mr. SHAW. Having been directed, I must resort to the constitutional guarantees under which I may not be compelled to give testimony which may at some future time be used against me.

Mr. SOURWINE. Mr. Shaw, I show you an editorial from the Wyandotte Tribune, under date of February 3, 1961, headed, "Communists Never Miss a Trick."

This editorial relates to an effort to break up the dinner of the Michigan Press Association. Will you tell us, as Midwest representative of the Fair Play for Cuba Committee, who went to the Press Association dinner referred to in this editorial on behalf of the Fair Play for Cuba Committee?

Mr. SHAW. Yes; perhaps you could ask this editorial writer, or even better—

Senator KEATING. The question has been asked of you, Mr. Shaw. Will you answer it?

Mr. SHAW. Yes; since the question includes an assertion referring to Midwest director of the Fair Play for Cuba Committee, which I have already declined to answer, I must then decline to answer a question that contains that assertion.

Senator KEATING. You are directed to answer.

Mr. SHAW. Then I must resort to the guarantees of our Constitution, under which I may not be forced against my will to give testimony against myself.

Mr. SOURWINE. Mr. Chairman, may this editorial be inserted in the record at this point?

Senator KEATING. It will be received.

(The editorial referred to was marked "Exhibit No. 49" and reads as follows:)

#### EXHIBIT No. 49

[From the Wyandotte (Mich.) Tribune, Feb. 3, 1961]

#### COMMUNISTS NEVER MISS A TRICK

As the United States enters a new phase of foreign relationship with the Communists' dictators under new President Kennedy, brought forcibly to Michigan editors Saturday night was the worldwide spy and agitator apparatus of the enslavers.

Speaking at the State press association's dinner at East Lansing then was Jules Dubois, Latin American correspondent of the Chicago Tribune Press Service for the past 31 years.

Named "The No. 1 gangster of Yankee Journalism" by Juan Peron and his followers in the Argentine some years back, Dubois would be shot if he ventured into Cuba again.

Castro doesn't like Dubois \* \* \* for among his works are "Fidel Castro Rebel, Liberator, or Dictator," and "Freedom Is My Beat."

To prove to our downriver readers who may have any lingering doubts about the Communist conspiracy to take over America and all the Western World. Communists tried to break up the MPA dinner.

Dubois had given his speech, and under the guidance of new prexy Dale Stafford, newsmen were asking special questions of the correspondent.

Unauthorized intrusion of the closed MPA meeting (for newspaper publishers, editors, staffers, and friends) had been made by two red-tainted hecklers, who later claimed to be members of the Detroit unit of "Fair Play for Cuba Committee."



Up jumped one of these with screams that Dubois was a "liar, conspirator, tool of the capitalist enslavers, menace to all freedom-loving people," etc., etc.

This editor, seated nearby the rabble rousers, sliced into the fracas with demands for identification, and the rally was broken up.

Prepared with mimeographed handouts \* \* \* the Fair Play people were determined to break up any mass newspaper meeting which was contrary to the Communist line.

Perhaps Washington had better abandon its let's take it easy with Russia theme \* \* \* for Russia and its fifth columnists don't take it easy with the United States \* \* \* they never miss a trick.

Can it happen here as it did in Cuba?

We think that it could \* \* \* if our people don't harden to the fact the only coexistence with a tiger is in his belly.

Mr. SOURWINE. I show you, Mr. Shaw, a photostat of an editorial from the Manistique, Mich., Pioneer Tribune of February 3.

Mr. SHAW. Have you finished your question?

Mr. SOURWINE. No.

I want you to look at that editorial.

Now, will you tell us the identity of the 17-year-old boy who, according to this editorial, was duped into serving as a mouthpiece for the Fair Play for Cuba Committee?

Mr. SHAW. Because of the related matter of this question, I would presume that the writer of the editorial would know. But for myself, I must decline to answer that question.

Senator KEATING. You are directed to answer.

Mr. SHAW. Then I must resort to the constitutional guarantees contained in the Bill of Rights, under which I may not be forced against my will to give testimony against myself.

Mr. SOURWINE. May this go into the record, Mr. Chairman?

Senator KEATING. That will be received.

(The document referred to was marked "Exhibit No. 50" and reads as follows:)

#### EXHIBIT No. 50

[From the Manistique (Mich.) Pioneer Tribune, Feb. 3, 1961]

#### YOUTH DISPUTES REPORT ON CASTRO

Delegates to the Michigan Press Association Convention at East Lansing last weekend witnessed a typical pinko play when an uninvited guest challenged a speaker's facts about Cuba. Jules Dubois, Latin American correspondent for the Chicago Tribune Press Service, had just told the delegates of his experiences with the Castro regime, when the intruder, a misguided youth from Detroit, spoke up.

He said Dubois was painting a false picture of the situation, the youth claiming that almost everyone whom Castro has failed to exterminate thus far in Cuba loves him like a brother.

Dubois has been promised a date with a firing squad next time he sets foot on the home of the two-bit cigar. But he has covered Cuban affairs since 1929—long before his wide-eyed detractor was born. Castro has embraced communism and converted his country to "a ruthless totalitarian police state through the total destruction of freedom of expression and the theft of all newspaper, television, and radio property," the reporter said.

Taking issue with this, the teenager claimed that on his recent visit—sponsored by the Fair Play for Cuba Committee—he was allowed to travel where he wished and talk with whomever he wanted. He said a Princeton University poll showed that 85 percent of the Cuban people support Castro.

Dubois replied that no survey of sentiment about Castro could be accurate, because the dictator's opponents are afraid to express themselves openly.

"Fortunately," he said "the overwhelming majority of the people south of the border abhor dictatorship in any form \* \* \* and if the indications of history are being properly registered in these moments, he won't get away with it."

Dubois emphasized that the theft of the instruments of the mass media of communication was made imperative by a desire of Castro and the Communist Polithoro to consolidate the brainwashing of the people.

"Total destruction of freedom of expression and the theft of all newspaper, radio, and television properties has helped to erase the aura of magnetic sympathy that had been erected around him because of the dramatic rout of Ex-Dictator Fulgencio Batista," Dubois added.

It appears that Castro and company are in pretty sorry shape when they must resort to duping a 17-year-old boy to serve as their mouthpiece. But shackling of the press is standard operating procedure for those who fear truth. Because a free press can't be brainwashed, other means of disseminating propaganda are required.

Senator KEATING. Mr. Shaw, have you paid an income tax on money received from the Fair Play for Cuba Committee?

Mr. SHAW. To me, this seems to relate to an entirely different problem from anything under investigation by this committee.

Senator KEATING. You are directed to answer the question.

Mr. SHAW. I must then resort to the constitutional guarantees under which I may not be required or forced to give testimony under oath which may at some future date be used as evidence against myself.

Senator KEATING. Were any funds withheld from your salary checks by the Fair Play for Cuba Committee for income tax withholding or for social security withholding?

Mr. SHAW. I fail to see the relevancy.

Senator KEATING. You are directed to answer the question.

Mr. SHAW. Since I have not been able to learn the relevancy of this question and since it relates to the previous questions, I feel compelled to decline to answer on the grounds that, under the Constitution of the United States, I may not be compelled to give testimony which may at one time or another be used against me.

Senator KEATING. Proceed.

Mr. SOURWINE. I show you photostats of clippings from the Michigan Iron River Reporter of February 3 and the Wayne Dispatch of February 3, and I ask you: Did you have anything to do with arranging for the presence of the young heckler at the dinner reported in these clippings?

Mr. SHAW. Again I request an explanation of the relevancy of this question.

Senator KEATING. You are directed to answer the question.

Mr. SHAW. Having been directed, I have no other alternative, so far as I can see, but to resort to the guarantees of our Constitution, under which I may not be compelled to be a witness against myself.

Mr. SOURWINE. I offer this for the record, Mr. Chairman.

Senator KEATING. It will be received.

(The documents referred to were marked "Exhibits 51 and 51-A" and read as follows:)

[From the Iron River (Mich.) Reporter, Feb. 3, 1961]

EDITORS' BANQUET: STUDENT HECKLES DUBOIS, SAYS CUBANS BACK CASTRO

(By Eugene Moore)

It can happen here.

A banquet audience of 500 Michigan newspaper editors and their wives was given first-hand evidence of Communist influence in America Saturday evening in the Big Ten Room of Kellogg Center on the campus of Michigan State University.

The setting was the banquet of the 93d annual convention of the Michigan Press Association, and the guest speaker the Chicago Tribune's ace Latin American correspondent, Jules Dubois, was climaxing his speech upon how Cuba has become a captive country of the Russians.

Every member of the State administrative board was seated at the main table except Governor Swanson who had welcomed the publishers and guest and then departed to help his wife complete their move that day from Plymouth to Lansing.

Suddenly, a student from Detroit, Daniel Rosenshine, arose in a far corner of the huge hall. The young man was tall, well dressed and groomed, and with a touch of youthful red color in his cheeks.

"Why don't you follow the American trait of telling the truth?" he inquired.

Publishers and their ladies, filled with a fine dinner, and placidly pondering Dubois' remarks about agrarian reform efforts currently under way in Cuba, were instantly alert.

"You're not telling the truth," the student continued calmly. "I was in Cuba during the holidays and saw for myself that the people are loyal to their leader. Why don't you give Cuba a break?"

"Are you a member of the Fair Play for Cuba Committee?" Dubois asked.

Rosenshine acknowledged that he was.

"That is a Communist front organization and the Cuban Government is pouring literature into this country, trying to explain away its reign of terror," Dubois said.

Frank Worthington of the Wyandotte Tribune, a former MPA president, arose belligerently to ask the student's name and address.

Initially rattled by the heckler, Dubois gave an incorrect answer when Rosenshine asked him when Dubois had last been in Cuba.

"I was last there in October 1929," the Trib writer replied. Then he amended his statement, explaining he first went to Cuba in that month, and had been a frequent visitor there for 30 years, last visiting Havana last October.

"I now live in Miami, talking with people who come from Cuba about what is going on," Dubois went on. "There is a firing squad waiting for me if I were to return."

Dubois said the U.S. Navy had moved in two ships primarily equipped to convert ocean water into fresh water in the event that the Cubans who control the water line were to cut off the flow to the big Guantanamo base.

"I think Castro is a paranoiac like Hitler was," Dubois said. "And I think that he is in danger of assassination by relatives of leading citizens whom his regime has put to death by the firing squad."

Dubois said he does not think that Castro will last more than a year in his dictatorship.

The Trib writer suggested the Michigan editors become members of the Inter-American Press Association and keep their readers informed about Cuba.

[From the Wayne (Mich.) Dispatch, Feb. 3, 1961]

#### DISPATCHES FROM THE MAIN STEM

What started out to be just another speech by one of the Nation's top reporters turned into a contest of thought between two different ideologies.

Jules Dubois, who for 30 years covered the changing political scene in Cuba, and is presently the Latin American correspondent for the Chicago Tribune Press Service, met opposition from a 17-year-old Detroit High School student.

Dubois, who was forced to leave Cuba in 1959 under the threat of death, had just spent half an hour or so explaining the political conditions of Cuba.

Speaking before the 20th Annual Michigan Press Association meeting in East Lansing this past weekend, Dubois had told the 600 editors there that weekly newspapers had a part to play in international situations. They too, he said, should explain what is happening around the world and they should treat the situations in the fairness that journalism ethics expound.

Dubois, who said that Fidel Castro will probably be out of Cuba within the year, said that 1961 will be the year of the "Firing Squad" in Cuba.

Insurgents are now gathering forces to oust the Communist directed leader of the Cuban people.



The 17-year-old high school student stood alone in the room, giving his own speech and calling Dubois an example of the unfair journalists in the United States.

The youth, who had courage but lacked wisdom, was part of a small group of Americans who have taken up the cause of the Castro regime and who have been propagandized into believing that the Castro reforms are for the good of the people there.

Youth has a way of taking up the causes of the underdog, the suppressed or those who want power but go under another guise.

They do not have the experience to look at the situation from all sides. They are impatient with the slowness that it often takes to work out situations.

They have the courage, but they lack the wisdom. As they get older they often gain the wisdom but lack the courage.

Mr. SOURWINE. I show you, Mr. Shaw, a photostat of an editorial from the Grand Ledge Independent of February 3, 1961. Will you look at this, please?

Note that it refers to the fact that a young man parroted certain facts.

Did you have anything to do with furnishing any of these facts to the young man in question?

Mr. SHAW. Well certainly, I will have to wait until I find which facts you are referring to.

Being very much aware of the nature of newspaper reporters' articles, I would in the first place, doubt that these can be identified as being properly quoted as the facts parroted, so-called by the young man.

Secondly, I would like to know the relevancy of this question to the matter under investigation.

Senator KEATING. Despite your statement of inaccuracy of the press, you are directed to answer the question.

Mr. SHAW. And in addition, now having been directed to answer, without any further explanation, I must resort to the guarantees of our Constitution under which I may not be required or compelled to give testimony against myself.

Mr. SOURWINE. Mr. Chairman, may I offer this for the record?

Senator KEATING. It will be received.

(The document referred to was marked "Exhibit No. 52" and reads as follows:)

#### EXHIBIT No. 52

[From the Grand Ledge (Mich.) Independent, Feb. 3, 1961]

#### WE MET COMMUNISM FACE TO FACE

As children we learned of the devil, and the pangs of hell, but it doesn't mean too much because we've never really seen either. In our 20th century, the devil has another name, and hell is counterparted with communism's growing menace. But even that seems somehow remote.

Saturday we were startled to see the devil's work, by a young and sadly foolish advocate of communism. And by the very nature of his rudeness, his passionate plea lost ground despite his own false but obviously convinced beliefs.

Jules Dubois, veteran South American correspondent for the Chicago Tribune's press service, gave members of the Michigan Press Association the inside picture of Castro's Cuba. He vigorously defined the whole Castro revolution as Soviet-inspired, citing facts which he knew from firsthand as well as from sources prominent in Cuba. Dubois, expelled from Cuba for objective reporting, was warned by Castro that if he ever set foot on Cuban soil again, he would face a firing squad.

Author of two authoritative books on South America, Dubois holds the Freedom Award, as well as the title "The Number One Gangster of Yankee Journalism,"

conferred on him by the state controlled press during Dictator Peron's tenure in Argentine.

But a 17-year-old Detroit boy leaped to his feet in the question period following Dubois' talk, and averred that he knew more about Cuba, because he had spent 12 days there with the notoriously Communist-supported Fair Play for Cuba committee. In itself the rudeness was unpardonable, but Dubois asked the audience to listen, because he said this was the type of propaganda with which thinking Americans should be familiar and on guard against believing.

In 12 days this obviously Soviet-indoctrinated high school boy figured he knew more than someone whose business it was to know people and facts, who had sources at his fingertips, and a powerful newspaper behind him, plus the experience of a decade or more.

He glibly parroted "facts" that 85 percent of the lower classes wanted Castro, that there were no Soviet connections, and that the hundreds of political exiles regrouping forces in Miami didn't know what they were talking about.

Laughable? No. For brainwashing youngsters is the same gangster technique by which Hitler, Mussolini and who knows how many Kremlin dictators stole their countries.

Dubois convinced us, for every one of some nearly 700 persons present Saturday night, were in accord with the fact that we must open our eyes. The one world doctrine is no longer a good philosophy \* \* \* not when we must deal with such people. We hate to think of it, but communism is a very real and vital devil, who must be faced with vigor and truth.

Mr. SOURWINE. I show you, Mr. Shaw, a photo copy of a mimeographed handbill entitled "An Open Letter to the 1961 Annual Convention of the Michigan Press Association."

Did you have anything to do with the preparation or distribution of any of the handbills of which this is a copy?

Mr. SHAW. I really would like to know the relevancy of this.

Senator KEATING. You are directed to answer the question.

Mr. SHAW. Feeling very frustrated in my knowledge of what the aim of this committee is at this point.

Senator KEATING. The relevancy of all this testimony has been carefully explained by counsel in this hearing in yesterday's executive session. You listened to it all and you will now answer the question or refuse to do so.

Mr. SHAW. Then I must again resort to the guarantees of our Constitution under which I may not be and cannot be compelled against my will to give, or to be a witness against myself.

Mr. SOURWINE. I offer this for the record.

Senator KEATING. It is received.

(The document referred to was marked "Exhibit No. 53," and reads as follows:)

#### EXHIBIT No. 53

"In my 30 years on the New York Times, I have never seen a big story so misunderstood, so badly handled and so misinterpreted as the Cuban revolution."—Herbert Matthews of the New York Times, speaking April 1960, to the American Society of Newspaper Editors.

"I think we should keep every channel of communication with the Cubans open (and on occasion we might even try to listen to *their* side, before we stop talking altogether and leave them with only the Communists to talk to." Laura Bergquist, the Senior Editor of LOOK Magazine, Nov. 8, 1960.

#### AN OPEN LETTER

To the 1961 annual convention of the Michigan Press Association

Delegates and Members of the Press:

One side of the complex issue of the Cuban revolution has been presented to you today by the well-known Latin American correspondent of the Chicago Tribune, Jules Dubois.

There's another side to this important story which, in the best traditions of American journalism, merits your consideration as citizens and representatives of the press.

We are deeply concerned with the lack of objectivity with which the events in Cuba over the past two years have been reported in our press. The tremendous social advances made by the Cuban government in the areas of education, health and improvement of the standard of living of Cuba's miserably poor lower classes have been largely ignored by all but a few.

Distinguished correspondents like Herbert Matthews and Laura Bergquist, whose statements appear above, Robert Taber and Richard Gibson of CBS, and Carleton Beals of The Nation, who have reported the truth about Cuba, have not received the wide audience to which they are entitled. Yet dispatches unfriendly to Cuba have been freely printed.

Unless the U.S. realizes that the Cuban revolution is representative of a vast social and political movement which is sweeping all of Latin America, based on a hope of freedom from poverty and economic distress—and unless our foreign policy becomes cognizant of this fact—the image of the United States will continue the decline which the USIA has just reported. The fact that 85 percent of the Cuban people (according to a recent Princeton U. poll) support Castro and the fact that he has much support among the Latin American masses must not be ignored.

We do not ask that you defend the ideological viewpoints of the Cuban government. But we do urgently request that in your coverage of events in Cuba that you be objective and that you remember there is another viewpoint which should be heard. More important, we urge you to check the facts yourself about Cuba before arriving at a hasty opinion. Please feel free to call on us for assistance in research, preparation of feature articles for your newspaper, printed material or other related services.

FAIR PLAY FOR CUBA COMMITTEE,  
*Michigan Chapter, 1057 E. Grand Boulevard,  
Detroit 7, Mich. WA 4-8037.*

What is the Fair Play for Cuba Committee?

For 10 years, noted correspondent Robert Taber covered Latin America for the CBS television network. The Caribbean was his beat, and in 1957 he became the first American to arrange a television interview with Fidel Castro. In April, 1960, disturbed by distorted press coverage of Cuba, Taber, with a group of distinguished writers and educators, formed the Fair Play for Cuba Committee. The Committee now numbers several thousand Americans as members, has chapters in scores of communities across the country and publishes Fair Play (Nat'l. office: 799 Broadway, New York 3).



Mr. SOURWINE. Isn't it a fact, Mr. Shaw, that you did participate in preparation of this handbill or the text for this handbill and that you also participated in arrangements to have it distributed by a young man named Rosenshine?

Mr. SHAW. That is two questions in one.

Senator KEATING. If you want to answer one and not the other, just take it up in your own way.

Mr. SHAW. I decline to answer.

Senator KEATING. You are directed to answer.

Mr. SHAW. Either one.

Senator KEATING. You are directed to answer.

Mr. SHAW. Then I again must resort to the guarantees of our Constitution under which I may not be compelled to be a witness against myself.

Mr. SOURWINE. Mr. Shaw, did you have anything to do with organizing a Fair Play For Cuba Committee at the University of Michigan?

Mr. SHAW. I decline to answer.

Senator KEATING. You are directed to answer.

Mr. SHAW. Having been directed, I have no other alternative but to rely upon the guarantees of our Constitution, one of which says that I may not be compelled or cannot be compelled to be a witness against myself.

Mr. SOURWINE. Mr. Shaw, I show you a photo copy of a two-page mimeographed document entitled "Michigan Fair Play Newsletter."

Now didn't you participate in the preparation of this newsletter?

Mr. SHAW. I certainly fail to still see the relevancy of this line of questioning.

Senator KEATING. You are directed to answer the question.

Mr. SHAW. Having no other alternative, I must then rely upon the guarantees of our Constitution under which, or one of which at least, I may not or cannot be compelled to be a witness against myself.

Mr. SOURWINE. May this be received?

Senator KEATING. It is received.

(The document referred to was marked "Exhibit No. 54," and is reproduced below:)

EXHIBIT No. 54

# MICHIGAN FAIR PLAY Newsletter

Volume 1 Number 1 - Fair Play for Cuba Committee, Detroit, Michigan - March, 1967

## STATE FPCC EXPANDS ACTIVITY

Dear Friend,

This issue of the Michigan Fair Play News is being sent to hundreds of members and supporters of the Fair Play for Cuba Committee in Detroit, Grand Rapids, Flint and other areas of the state.

It reflects not only an increase in activity and interest generated by the Committee, but a marked increase in memberships as well. We now have two functioning chapters in the state, a third in the process of being formed.

The immediate help and assistance of all Michigan residents interested in working for the important cause of strengthening the relations between our country and Cuba is needed. Will you do what you can to help? Call chapter headquarters NOW, and watch your mailbox for news of activities coming up soon.

Sincerely,

the temporary Executive Board  
Fair Play for Cuba Committee,  
Metropolitan Detroit Chapter.

- ( ) Please send further information on the Fair Play for Cuba Committee.  
( ) I would like to join the FPCC.

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_, Michigan.

Mail to: FPCC, Detroit Chapter,  
1057 E. Grand Blvd. Detroit 7,  
Telephone: WA 4-8037

Natl. Chairman: Waldo Frank, Carlton Beals

### 100 Attend Meeting Despite Cancellation of Church Hall

Activities of the Michigan Fair Play for Cuba Committee chapter continued at a high pace during February and March.

Highlighting local happenings was a public meeting: "The Case for Cuba" addressed by Harry Phillips, prominent motor city attorney, and Robert F. Williams, Union County, N.C., NAACP President.

More than 100 persons turned out for the meeting, even though the hall was cancelled by pressure from pro-Baptist groups at the last minute. Rev. Charles Hill then generously offered his Garfield Ave. Baptist Church to us. A collection of \$100 was received at the meeting.

The FPCC's Midwest Director reports a successful tour for Williams, who spoke to thousands in Indiana, Chicago, Minnesota, and elsewhere, and wound up with a talk before 1,000 persons in Los Angeles, sharing the platform with Vinoo Hallinan.

Locally, OMW-TV, WDR and the Detroit News sent reporters and cameramen to a press conference for Williams at the Fort Wayne Hotel, and a number of interviews of individuals who were in Cuba recently have appeared in the press. Press coverage of the Williams tour was excellent, and a number of radio and television appearances were counted.

Only harassment in Detroit that the FPCC suffered was a loosely-organized demonstration by pro-Baptist Cuban exiles who picketed the original church where the Williams meeting was to be held. They failed to get

(continued on page 2)



Page 2

Michigan Fair Play Newsletter

March, 1961

**GOVERNMENT HARRASSMENT BACKFIRES:  
COMMITTEE CONTINUES TO FIGHT BACK**

Attempts by the U. S. Congress to weaken the Fair Play for Cuba Committee appear to be backfiring, according to the national office in New York City.

One of the last acts of the Eisenhower administration was to begin a vague "investigation" by the Senate Internal Security Committee, designed to link the Fair Play Committee with "communism." Charges that an amount of money was given to the FPCC by numerous Cuban sources were made by one witness. No further action on this front has been taken by the Kennedy administration.

FPCC national officers report that if the investigation was designed to frighten Committee members, it failed miserably. Only three resignations have been received, they report, and the number of members and FAIR PLAY subscribers continues to grow, still topping 5,000. One of the latest person to join is Nobel Prize winning scientist Linus Pauling.

**Keep in mind . . .**

coming events —

— an "Evening in Cuba" party and supper.

— a Detroit chapter charter meeting to receive a charter from the national organization and to elect local officers.

watch your mailbox for information

Now Available from the local chapter: Fidel Castro's "History Will Absolve Me" in a new English translation just published. Price . . . 75 cents.

Also available: a selection of other recent titles, including "Listen, Yankee!", "Cuba: Anatomy of a Revolution" and others.

**News of Activities**

(continued from p. 1)  
tain the address of the new hall and thus failed to picket it.

The FPCC Speakers Bureau reports the following:

—A TALK, with slides of Cuba, before five history classes at a large suburban high school by an FPCC member who was in Cuba during Christmas vacation.

—ANOTHER TALK by an FPCC member to senior pupils at a different high school in suburban Detroit.

—AN INVITATION by the Town and Country Club of Birmingham for an FPCC member to review Mills' "Listen, Yankee!" at one of their meetings.

—A TALK AND DISCUSSION before 400 University of Michigan students with Robert F. Williams. The University's Committee for Improved Cuban-U.S. Relations sponsored the gathering.

—A NUMBER of informal house gatherings to view slides.

Publicity continues to come in regarding the appearance of an FPCC member before the convention of the Michigan Press Association, at which Latin-American correspondent Julia Dubois was challenged. The 300 state editors who attended the session continue to write about it in their weekly papers. The FPCC prepared a special brochure to distribute at the convention.

Across the river in Windsor, a Fair Play Committee is being formed. Several Detroit members visited the group's organizational meeting March 13. In Toronto, earlier this month, an organizational meeting heard our Professor Samuel Shapiro of MSU-Oakland deliver an important message to the gathering.

Cuban entertainment will be featured at an upcoming party.

Michigan Fair Play Newsletter is edited and published by the public relations committee of the Detroit Chapter, FPCC, March, 1961



Mr. SOURWINE. Mr. Shaw, I show you a photostat of a clipping from the Michigan Daily of November 17, 1960, which has a picture associated with it, the picture, according to its caption, showing a number of Democratic Socialists who have recently been to Cuba.

You will note that among the persons identified in this Cuba tour are Louis Jones, James Regal, Jack Everett, Gretchen Kline, and Will Gurley.

Do you know any of those individuals?

Mr. SHAW. I still fail to see the relevancy of this.

Senator KEATING. You are directed to answer the question.

Mr. SHAW. And I must again say that I resent being asked to testify regarding other people, especially.

Senator KEATING. This committee is not interested, Mr. Shaw, in what you resent.

The committee resents your behavior before this committee, both yesterday and today. We are seeking to receive equanimity.

You will now answer the question.

Mr. SHAW. Then, upon the basis of mutual feeling, we will proceed and I must resort to the guarantees of our Constitution under which I may not be, or cannot be, compelled to give testimony which may at some time be entered as evidence against me.

Mr. SOURWINE. May this be received?

Senator KEATING. Now just 1 minute.

Mr. SOURWINE. Yes, sir.

Senator KEATING. I feel it incumbent upon me to make it perfectly clear for the record that the use of these words "Democratic Socialist" has nothing whatever to do with the Democratic Party.

I think the Chair will reserve decision on receipt of this exhibit pending further questions.

Mr. SOURWINE. Mr. Shaw, as of January 20, 1961, the officers of the Committee for Improved Cuban-American Relations, at the University of Michigan, were President Louie Jones, 401 Hoover Street, Ann Arbor; Cochairman James Wigle, 24 South Division Street, Ann Arbor, home address 2726 South Division; faculty adviser, Arnold Kaufman.

Do you know any of these individuals?

Mr. SHAW. I must decline to answer.

Senator KEATING. You are directed to answer.

Mr. SHAW. I have, therefore, no other resort but to rely upon the guarantee of our Constitution under which I may not and cannot be a witness against myself.

Mr. SOURWINE. Mr. Shaw, are you aware that James Wigle, co-chairman of the University of Michigan for improved Cuban-American relations is the same person as James Bruce Wigle who, on April 15, 1961, participated in picketing in the sit in of Ann Arbor, Mich., and who was, on that date, arrested by the Ann Arbor police for passing out literature without a permit?

Mr. SHAW. I fail to see the connection between anyone who is in favor of democracy in the United States and the so-called nature of the investigation of this committee.

Senator KEATING. I want counsel to explain the relevancy of that question.

Mr. SOURWINE. Yes. The question is relevant because the information is to the effect that this witness has been in contact with Mr. Wigle; that this witness assisted in the organization of the Improved Cuban-American Relations Committee at the University of Michigan which is the successor of the Fair Play for Cuba Committee at the University of Michigan.

Senator KEATING. What has that got to do with this Wigle picketing on some sit-in campaign or something of that nature?

Mr. SOURWINE. It raises the question as to whether the Fair Play for Cuba Committee was participating in picketing of this nature, Mr. Chairman.

I will be glad to withdraw the question.

Senator KEATING. I think counsel should withdraw that question.

Mr. SOURWINE. The question is withdrawn, Mr. Chairman.

Mr. FAULKNER. I join with you, Senator Keating, in that request.

I think it wholly improper for Mr. Sourwine to inject into these proceedings the question of the freedom riders and the sit ins.

Senator KEATING. We are not interested in your comments, Mr. Faulkner, on the propriety of the counsel to this committee. The Chair will take care of that.

Mr. SOURWINE. I show you, Mr. Shaw, a photostat of an article from the Daily Collegian of Wayne State University of November 30, 1960.

Did you have anything to do with the preparation or transmission of this letter?

Mr. SHAW. I must decline to answer that question.

Senator KEATING. You are directed to answer it.

Mr. SHAW. I must then resort to the constitutional guarantees of the U.S. Constitution, one of which I cannot be compelled to be a witness against myself.

Mr. SOURWINE. Do you know the four individuals whose names appear at the bottom of this letter?

Mr. SHAW. I decline to answer that question.

Senator KEATING. You are directed to answer.

Mr. SHAW. Then I must again rely upon the guarantees of our Constitution, under one of which I cannot be compelled to be a witness against myself.

Senator KEATING. All right.

Mr. SOURWINE. I offer this for the record, Mr. Chairman.

Senator KEATING. Subject to objection later, it will be received. (The document referred to was marked "Exhibit No. 55" and reads as follows:)

#### EXHIBIT No. 55

[From the Wayne Collegian, Wayne State University, Nov. 30, 1960]

#### COOL YULE IN CUBA

To the EDITOR:

Any students interested in spending Christmas in Cuba may sign up now for the Student Council Fair Play for Cuba Committee's low-cost, all-expense tour to Havana, leaving Miami December 23.

Ten days of sunshine and a wealth of experience will be available in the heady atmosphere of the new, revolutionary Cuba at a nominal cost. What will this buy? A respite from commercialism. A new way of looking at life in the unique social laboratory that is Cuba today.

Student contingents leave Miami December 23, return January 2. Flat rates cover transportation via Cuban airlines to and from Miami or New York and all expenses while in Cuba, including accommodations (rooms, a fabulous cuisine, swimming pool, and all facilities) at the luxurious Havana Riviera Hotel and a variety of excursions to key points of interest from beautiful Pinar del Rio at one end of the 800-mile-long island, to the fabled Sierra Maestra Mountains of Oriente Province at the other.

The Christmas-in-Cuba tour is part of the Fair Play for Cuba Committee's program to acquaint students with the truth about revolutionary Cuba. The committee was established last April by a group of distinguished writers, artists, journalists, and professionals. Prominent members include such intellectual leaders as C. Wright Mills, Simone de Beauvoir, Truman Capote, John Killens, I. F. Stone, Leo Huberman, Paul Sweeney (sic), Kenneth Tyan (sic) and Jean Paul Satre (sic).

Purpose: To tell the truth about Cuba.

In Cuba students will receive guided tours and have a chance to meet and talk with Cuban officials. They will have an opportunity to observe and appraise the various reforms and changes in Cuba. They will have an inexpensive and exciting opportunity to see at first hand what we have all been reading about and discussing.

NICK ZAMPAGLIONE.  
ARNOLD KESSLER.  
HARIET TALAN.  
BARRY KALISH.

Mr. SOURWINE. Mr. Shaw, I show you a clipping from the Wanderer, the Catholic newspaper of St. Paul, Minn., March 23, 1961, issue.

Senator KEATING. In order that this record may be clear, I have asked you to withdraw the offer of the exhibit from the Michigan Daily.

Mr. SOURWINE. On the Chair's instructions, the offer of this exhibit which showed the pictures of a number of persons is withdrawn.

Senator KEATING. If it becomes pertinent at a later time the Chair will receive it.

Mr. SOURWINE. This clipping which you now hold in your hands is captioned "A Reader Reports What She Heard at Local Fair Play for Cuba Committee Meeting."

You will note that this report contains the notation "Speaker No. 1, Edward Shaw, Detroit, Mich.," and so forth, and that the topic is given as "Fair Play for Cuba."

I will ask that you read this clipping and tell the committee if this is a fair and accurate report of the meeting.

Mr. SHAW. I decline to answer that question.

Senator KEATING. You are directed to answer it.

Mr. SHAW. Then I must again rely upon the guarantees inserted in the Bill of Rights added to our Constitution, one of which puts forward that an American citizen cannot be compelled to be a witness against himself.

Mr. SOURWINE. May this be received, Mr. Chairman?

Senator KEATING. This will be received.

(The document referred to was marked "Exhibit No. 56" and reads as follows:)



## EXHIBIT No. 56

## A READER REPORTS WHAT SHE HEARD AT LOCAL FAIR PLAY FOR CUBA MEETING

EDITOR, THE WANDERER:

Here is my report on Fair Play to Cuba. Please excuse any mistakes I have made, spelling, and so forth, as I am trying to dash this out between my office work which has piled up. Also, please do not publish my name, as I do not wish the risk of reprisals. Thanks.

\* \* \*

Time: 8 p.m.

Date: February 25, 1961.

Place: YMCA, Minnesota University, 1425 University Avenue S.E., Minneapolis, Minn.

Speaker No. 1: Edward Shaw of Detroit, Mich.

Speaker No. 2: NAACP official Robert F. Williams of Monroe, N.C.

Topic: Fair Play for Cuba.

Nature of audience: About 200 persons present, mostly the progressive Socialist group from the university, with a few adults thrown in.

Meeting was called shortly after 8 p.m. by Edward Shaw.

Shaw told us that the Fair Play for Cuba was organized in April 1960; at that time they ran a seven-column metropolitan newspaper ad, signed by some 30 writers and artists, who thought the Cuban revolution was not getting fair coverage, so they organized this group, Fair Play for Cuba, to help the Cuban people.

Shaw told us there have been 43 groups of Fair Play for Cuba organized since then, 40 in large cities throughout the United States and 3 in Canada.

It was planned that a group of students and interested people in Fair Play for Cuba be organized last fall and go to Cuba to find out for themselves just what was the truth about this situation; so 340 students signed up for the trip over the Christmas holidays from the United States to go to Cuba. It was a well-organized, all-expenses paid, tour and practically all of the 340 allegedly came away convinced that Fidel Castro was doing a good job on the side of freedom and democracy.

Shaw mentioned Cuba's crops of sugar and sisal, but did not mention tobacco or pineapple crops, and the cattle business there which did export some of the finest beef ever raised.

Shaw told us that Cuba has always imported 70 percent of her food, but now, with the U.S. embargo, they are starving, little children's stomachs are so protruded that it is awful to see them. (In the first place, I wonder if Shaw was giving us the amount of sugar imported back into their country after it has been refined in the States to make up 70 percent because, as far as Cuba's crops of poultry, vegetables, and fruit, there is no limit on that and no reason for anyone to starve in Cuba. I know; I lived there off and on for many years. In fact, Cuba raised the finest fruit any place; her grapefruit are the best grown anywhere; likewise oranges, limes, bananas grow like weeds, 64 varieties of them; then there is the coconut, papaya, guava, fruit of Cuba and many others too numerous to mention.)

(What Shaw and Williams called squatters are, no doubt, the people who live in the thatched huts which are made from palms, including the thatched roofs of palm leaf, and are rainproof and windproof, not really so bad as these two made them out to be.)

Shaw told us that Castro has instituted a building program of lots of new schools and new homes under the housing plan. Slums were cleared away and then he paid the squatters \$3 per day to work on building these homes and, when finished, he had them move in rent-free—because he said as squatters they paid no rent, so why should they pay rent now.

All over Cuba, Shaw told us, the Cubans had demonstrated that they do not dislike the American people; they only hate our Government and its men.

People of Cuba used to work about 3 to 4 months a year in the sugar fields and then were out of work the balance of the time, said Shaw, but after Castro took over he gave all the uncultivated land to the Cubans for free.

Everything in Cuba today is free—such as no charge for driver's license, auto license, and many other things. Not 1 student of the 340 that went over ever heard a word of anti-Communist statements of any kind. (Would anyone dare?)

The pity is, according to Shaw, that President Eisenhower did not even ask Castro if he needed any help in Cuba, or if the Cuban people needed help; but "Ike" had time to run over to Portugal and see them, while Cuba is only 90 miles away, our next-door neighbor. "Ike" could also run to such other countries as Japan, where he could not land or did not dare to land, and to South Korea to see his friend Syngman Rhee, and he had to meet Rhee in the Philippines because Rhee was chased out of Korea.

"Why," Shaw asked, "should 'Ike' be in favor of all the 'dictators'? We do not and will not support any of these 'dictators' that 'Ike' has backed up all along."

Shaw told about Mennen Williams' trip to Africa—and said Williams would not dare to speak in Montgomery, Ala., as he is doing in Africa. Shaw took issue with Senator Eastland's statement that the Fair Play for Cuba Committee helps to "glorify the Castro government" and acts as a publicity agent. "Perhaps we do," said Shaw.

Shaw referred to Haiti and the eight Catholic priests that were thrown out of Haiti for their "Communist teachings." He said the eight priests were deported because they were "pro-Communists."

Shaw told us that the New York Times news reporter (Herbert Mathews) wrote a very fine series of articles on Cuba. "You should all read these."

Shaw referred to Nicaragua, Peru, and Paraguay, who all broke relations with Cuba at the same time the United States did. These, he said, are the dictator countries—because they stood with the United States.

Brazil, Argentina, and Venezuela did not sever relations with Cuba; therefore, they are friends of Cuba.

Shaw said it seems as if all the United States does is to associate with dictators. The United States has stopped its citizens from going to Cuba so the people from the States can really see for themselves there is nothing bad in Cuba and that the people are happy now and well fed for the first time. (He sort of forgets what he said in the first part of his speech about hunger.)

A student from a college in Northfield—didn't catch his name or college, but he was with the group that went to Cuba over the holidays—said, since his return home, he has organized a group of Fair Play for Cuba in Northfield and now has 40 members.

At this point the second speaker was introduced—a Negro, Robert Williams from Monroe, N.C., publisher of the Crusader. Williams started off by telling a story about a little colored boy in New Orleans who wrote a paper for his class studies and said he would some day like to be President of these United States, and his teacher though so well of it, she put it on the board, and some white person or persons came in and seeing it, ordered it removed and asked: "How dare you?" Williams went on then to make the following statements:

"This is the dawn of a new day.

"They call me black, a Nazi, troublemaker, Communist, a revolutionary, a beatnik, and an agitator. Yes, I am an agitator and I see red and get so mad at what is going on. I see their eyes being pulled out, their skulls being smashed in, their teeth being knocked out. It is the world revolution and they tremble—it truly is a new day."

Williams said he was the one who introduced the sitdown strike in North Carolina and he was arrested for that and for the kissing act, and bragged about it, and when he reached Cuba, he was asked why the newspapers here branded him as a criminal and why was he out on a \$750 bond? Williams said he had been branded a criminal "because I sat on a stool where whites were supposed to sit and for the kissing affair."

Cuba is not a political question, he said. "I only look at the humanitarian side of it."

"We know Lumumba was hated. We also know why Castro is hated—and why Christ was hated. The new day is surely coming and a day of violence and upheaval is coming. So you better watch out.

"I offer no apologies to these United States or to anyone else. I have been called an agitator and I am proud to wear the label and to join hands with the revolutionary movement which is going on in the world today."

The other speaker, Mr. Williams, said he is the editor of the *Crusader*. He referred to the picket line outside the YMCA hall and said that was a good sign, that we have free speech in Minnesota, which is good.

He mentioned the "Uncle Toms" of his race and said he has no time for them.

The Cuban revolution, he said, speaks the idiom of those who live in the South; it has no politics or economics; it is simply humanitarian. (???)

Williams said he was born black and he found the Cuban Government the most humanitarian government to the black race there is. Williams was in Cuba under the above-mentioned \$750 bond because he was convicted twice in open court. Cuba, he said, has been called a dictatorship by the United States, though he himself found "more humanitarianism there than any place here."

Africa and Cuba pose the big questions, he said, Castro said there will be no white or black Cubans but just Cubans in Cuba. "They say the Cuban Government is communistic and full of tyranny. But I know Cuba is full of humanity, and I wish we had this form of government here, in our South. The Government of Cuba has more Christianity in it than all the churches here put together in the United States."

We should talk about Cuba, he said. Why? "My people here are depressed and hungry because we dare to attempt to vote in the South. Cuba is a symbol for the depressed people everywhere." Referring to the Africans in the Congo, he said he was in the United Nations on that "black Monday" when Adlai Stevenson said we must use moderation.

Williams said this was the most repulsive remark he ever heard when Adlai said: "We must use moderation." The attitude in the southern courts is indifferent to the plight of the Negro, he said. He referred to the American newsman who told him in Cuba to complain at home and not come to Cuba to complain.

We must prove ourselves superior, he said, and not become puppets of big men. Christ, he said, was killed because He would not become a puppet, and he referred to "self-righteous liberals of the North who get all the money."

He was proud of all the demonstrations; "we have been too submissive for 300 years" and that "black Monday at the United Nations was one of the most violent demonstrations, and I was there."

Williams said this group at the United Nations was made up of a Harlem cross section. He said he was referred to as agent of the Castro government, that he had the agitator label and is proud to wear it. "I am an agitator and at war with all forms of injustice. The new motto in the South is: 'We would rather live 30 seconds in human dignity than live 1,000 years crawling on our knees under suppression.'"

Williams said the Fair Play for Cuba Committee has many groups over the United States and he is making a tour of these places to give the people this message. He said: "I notice the church people here do not have missionaries in the South to teach the white savages. I have never had any time for these 'Uncle Toms' of my race. I am proud to be for the new day, and I am an agitator in this new revolutionary movement."

W.C.L.

Mr. SOURWINE. Finally, Mr. Shaw, I show you a mailing piece transmitted through the mail by the Fair Play for Cuba Committee. This is entitled, "Fair Play Supplement, June 5, 1961."

I call to your attention particularly the last paragraph in the right-hand column, which states:

Late bulletin: Edward Shaw, Midwest representative for FPCC, has just been subpoenaed before the Eastland committee on June 14.

The question is, sir, did you visit the New York headquarters of the Fair Play for Cuba Committee and advise them that you had been subpoenaed to appear before this committee?

Mr. SHAW. I presume counsel feels there is some relevancy to this question to the stated purpose of the committee.

I decline to answer.



Senator KEATING. You are directed to answer.

Mr. SHAW. Then I must again rely upon the guarantees of our Constitution, under one of which I cannot be compelled to give testimony under oath which may at some future time be used against me.

Mr. SOURWINE. I have no more questions of this witness, Mr. Chairman.

Senator KEATING. That is all, Mr. Shaw.

Mr. SHAW. May I be allowed to read my statement?

Senator KEATING. How long is it? Is it the same one you read in the executive session?

Mr. SHAW. Similar to this hearing, sir. It has some of the same parts and additions.

Senator KEATING. How long is it?

Mr. SHAW. About five lines longer than the one I read yesterday.

Senator KEATING. Go ahead.

Mr. SHAW. Having been interrogated at great length by this subcommittee yesterday in private session, it comes as a surprise to be called before a public session today. Such a move can only be construed as an attempt to use the subcommittee for very questionable publicity purposes which have no relation to the legitimate purpose of the subcommittee, which is to determine the need for new legislation or amendment of current legislation.

As an American whose lineage can be traced to ancestors who took part in the birth of the United States of America, as an independent and sovereign nation, I am proud to have been called before this subcommittee.

It is no accident that the Senator from Mississippi who signed the subpoena ordering me to testify today, a Senator who seems not to recognize a first amendment or the 14th amendment to our Constitution, who comes from a State which does not allow nearly half its adult citizens to vote, who, with his colleagues on this subcommittee is attempting to smear and stifle those who would uphold the integrity, dignity, and honor of the United States, should consider me a danger to his concept of the American way of life.

Attacked by this subcommittee, it implies recognition by the enemies of freedom at home and abroad that my efforts on behalf of freedom and truth have been of some avail. I feel honored.

I will not be intimidated into cooperating with you in your efforts to suppress the free expressions of public indignation over the illegal and immoral invasion of Cuba by the U.S. Government and its Central Intelligence Agency.

Here, indeed, is a more pertinent matter for investigation by this group, combined, perhaps, with the overthrow of the illegally elected government of Guatemala in 1954, in which the CIA participated.

To facilitate further warlike moves against Cuba, this inquisitorial body is trying to subvert freedom of expression and other traditional liberties; to intimidate individuals and organizations who dare to speak and write the truth and to cover the entire Nation with that atmosphere of prejudice, hatred, fear, and oppression which persist in the home State of Mr. Eastland and to which he owes his present position as U.S. Senator,

Finally, why not investigate the private business dealings with foreign governments such as Guatemala in violation of the Logan Act?

I suggest that perhaps Senator Dodd could give interesting testimony in this regard.

Senator KEATING. Not for your benefit, because you are well aware of the reasons, and you are well informed as to techniques, but for the purpose of clearing the record, as you well know, the purpose of an executive session prior to an open session is to protect not only the witness called, but also to protect any person whose name might be brought into an open session. It is designed for that purpose and laid down in the rules of this committee for this purpose. It is no particular honor to the members of the committee to sit through an executive session and hear the same testimony and see the same conduct exhibited toward the committee as has been exhibited in the open session.

The Senate and Congress have much other important work to do, but in order that every individual called before this committee in an open session may feel, and the general public may feel, that he or she has been fully protected, it is the practice and a rule of the committee that every one will be examined first in executive session.

Your statement before the committee, which follows the lines we have heard from a great many other witnesses, leads me to this question:

Are you a member of the Communist Party?

Mr. SHAW. Is that question directed to me at this point?

Senator KEATING. Yes.

Mr. SHAW. Because of the line of investigation undertaken by this committee and its obvious attempts to do something other than truly investigate the need for new legislation, I must decline to answer that question.

Senator KEATING. You are directed to answer it.

Mr. SHAW. Then I must also then decline to answer on the grounds that the U.S. Constitution, in one of its provisions, states that an American citizen cannot be forced to give testimony against himself.

Senator KEATING. Are you under Communist direction or control?

Mr. SHAW. I hesitate. I don't really understand what you mean by that, Senator.

Senator KEATING. All right. Change it to a word with which you may be more familiar.

Are you under Communist discipline or control?

Mr. SHAW. Well, for one reason, I have heard so many various explanations of what the word "Communist" means to so many different people—

Senator KEATING. What does it mean to you?

Mr. SHAW. I have first of all—is this an additional question?

Senator KEATING. That is your question: What does the word "communism" mean to you?

Mr. SHAW. I am not required to answer the first question?

Senator KEATING. We will come back to that. Answer this one.

Mr. SHAW. It is hard, again, for me to understand the relevancy of these questions.

Senator KEATING. The question is very relevant, and you are directed to answer it.

Mr. SHAW. Then I must again rely upon the guarantees of our Constitution, under which I may not be required to give evidence or testimony under oath which may at some point be entered as evidence against myself.

Senator KEATING. Are you under Communist discipline or control?

Mr. SHAW. I must also decline to answer that question.

Senator KEATING. You are directed to answer it.

Mr. SHAW. Then I must again resort to the constitutional guarantees, under which I may not be and cannot be forced to give testimony against myself.

Senator KEATING. You are excused.

Call the next witness.

Mr. SOURWINE. Joseph Bernstein.

Senator KEATING. Mr. Bernstein, raise your right hand.

Do you solemnly swear the evidence you give in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BERNSTEIN. I do; yes.

#### TESTIMONY OF JOSEPH BERNSTEIN

Mr. SOURWINE. You are Joseph Bernstein?

Mr. BERNSTEIN. That is right.

Mr. SOURWINE. Your address is 18644 Mendota Street, Detroit?

Mr. BERNSTEIN. That is right.

Mr. SOURWINE. Your telephone number is Diamond 1-2894?

Mr. BERNSTEIN. That is correct.

Mr. SOURWINE. You were born in Buffalo, N.Y., in 1910?

Mr. BERNSTEIN. Correct.

Mr. SOURWINE. What is your present business or profession?

Mr. BERNSTEIN. Advertising.

Mr. SOURWINE. Your present employment?

Mr. BERNSTEIN. You mean the name of the company?

Mr. SOURWINE. Yes.

Mr. BERNSTEIN. U.S. Industrial Tool Co.

Mr. SOURWINE. Are you the same Joseph Bernstein who was formerly employed on the Detroit News as a newspaper artist?

Mr. BERNSTEIN. That is correct.

Mr. SOURWINE. Mr. Bernstein, on what occasions have you visited Cuba?

Mr. BERNSTEIN. Mr. Chairman, I refuse to answer this question. I refuse to answer under the privileges guaranteed to me under the fifth amendment.

Mr. SOURWINE. Did you not go to Cuba on December 23, 1960, under the sponsorship of the Fair Play for Cuba Committee?

Mr. BERNSTEIN. Again, I refuse to answer this question under the same privilege.

Mr. SOURWINE. Are you a member of the Fair Play for Cuba Committee?

Mr. BERNSTEIN. I refuse again to answer, under the same privilege.



Mr. SOURWINE. Are you a member of the Detroit chapter of the Fair Play for Cuba Committee?

Mr. BERNSTEIN. I refuse to answer this question on the same privilege.

Mr. SOURWINE. Have you attended meetings of the Fair Play for Cuba Committee?

Mr. BERNSTEIN. I refuse to answer the question under the same privileges.

Mr. SOURWINE. Do you know Edward Shaw, regional director of the Fair Play for Cuba Committee?

Mr. BERNSTEIN. I refuse to answer under the same privileges.

Mr. SOURWINE. Mr. Bernstein, have you participated in demonstrations or picketing sponsored or instigated by the Fair Play for Cuba Committee or its Detroit chapter?

Mr. BERNSTEIN. Refuse to answer under the same privileges.

Mr. SOURWINE. Are you the same Joseph Bernstein who appeared before the House Un-American Activities Committee on February 26, 1952?

Mr. BERNSTEIN. I refuse to answer under the same privileges.

Mr. SOURWINE. I show you, Mr. Bernstein, a photograph which has been admitted to this record as exhibit 45, and ask you if you recognize that as a photograph of yourself taking the oath on the occasion of your appearance before the House Un-American Activities Committee on February 26, 1952?

Mr. BERNSTEIN. I refuse to answer the question under the same privilege.

Senator KEATING. You think it might incriminate you to identify your own picture?

Mr. BERNSTEIN. I just refuse to answer. That is all. I have the same privileges.

Senator KEATING. I think the fact that you are accompanied by counsel has not yet been entered in the record.

Counsel, give your name and address.

Mr. GOODMAN. Ernest Goodman, 3220 Cadillac Tower, Detroit, Mich.

Mr. SOURWINE. Mr. Bernstein, were you ever a member of the American League for Peace and Democracy?

Mr. BERNSTEIN. I refuse to answer the question, sir, under the same privilege as previously stated.

Mr. SOURWINE. Are you the same Joseph Bernstein who was a member of the International Workers Order?

Mr. BERNSTEIN. I refuse to answer the question, sir, under the same privileges.

Mr. SOURWINE. Did you know the International Workers Order had been cited as subversive by the Attorney General of the United States?

Mr. BERNSTEIN. Refuse to answer under the same privilege.

Mr. SOURWINE. Mr. Bernstein, have you attended closed meetings of the Communist Party U.S.A.?

Mr. BERNSTEIN. Refuse to answer under the same privileges.

Mr. SOURWINE. Specifically, did you attend a certain closed meeting of the Communist Party U.S.A., on March 8, 1950, to celebrate International Women's Day?

Mr. BERNSTEIN. Refuse to answer under the same privileges.

Mr. SOURWINE. Are you the Joseph Bernstein who attended the Michigan State Convention of the Communist Party held in the Detroit Workers Cooperative Restaurant January 23 and 24, 1948?

Mr. BERNSTEIN. Refuse to answer under the same privileges.

Mr. SOURWINE. Are you the Joseph Bernstein who was a member of the professional cell of the Communist Party in the Detroit area known as the Cultural Theater?

Mr. BERNSTEIN. Refuse to answer under the same privileges.

Mr. SOURWINE. Are you the Joseph Bernstein who was a member of the professional cell of the Communist Party in the Detroit area known as Detroit Special 2?

Mr. BERNSTEIN. Refuse to answer under the same privileges.

Mr. SOURWINE. Are you the Joseph Bernstein who was a member of the professional cell of the Communist Party in the Detroit area known as John's Group?

Mr. BERNSTEIN. Refuse to answer under the same privileges.

Mr. SOURWINE. Are you the Joseph Bernstein who was a member of the professional cell of the Communist Party in the Detroit area known as Pen and Pencil?

Mr. BERNSTEIN. Refuse to answer under the same privileges.

Mr. SOURWINE. Are you the Joseph Bernstein who was a member of the professional cell of the Communist Party in the Detroit area known as Sholem Aleichem?

Mr. BERNSTEIN. Refuse to answer under the same privilege.

Mr. SOURWINE. Are you the Joseph Bernstein who was at one time membership director of the State of Michigan Communist Party U.S.A.?

Mr. BERNSTEIN. Refuse to answer under the same privileges.

Mr. SOURWINE. I have no more questions of this witness, Mr. Chairman.

Senator KEATING. The witness is excused.

Call your next witness.

Mr. SOURWINE. Nathan Rosenshine.

Senator KEATING. Mr. Rosenshine, will you raise your right hand?

You solemnly swear the evidence you give in this proceeding will be the truth, the whole truth and nothing but the truth so help you God?

Mr. ROSENSHINE. I do.

Senator KEATING. You are accompanied by the same counsel, Mr. Goodman; is that right?

Mr. ROSENSHINE. Yes.

### TESTIMONY OF NATHAN ROSENSHINE

Mr. SOURWINE. Your address, Mr. Rosenshine, is 19605 Argyle Crescent, Detroit?

Mr. ROSENSHINE. That is correct.

Mr. SOURWINE. What is your telephone number?

Mr. ROSENSHINE. Townsend 8-8794.

Mr. SOURWINE. What is your business or profession?

Mr. ROSENSHINE. I am in the real estate investment business and property management.

Mr. SOURWINE. Your business address is the same as your home address?

Mr. ROSENSHINE. Yes.

Mr. SOURWINE. Are you a member of the Fair Play for Cuba Committee?

Mr. ROSENSHINE. I decline to answer that question on account of the fifth amendment.

Mr. SOURWINE. Are you a member of the Detroit Chapter of the Fair Play for Cuba Committee?

Mr. ROSENSHINE. I respectfully decline to answer this question for the same reason.

Mr. SOURWINE. What meetings of the Fair Play for Cuba Committee have you attended?

Mr. ROSENSHINE. I decline this question.

Senator KEATING. On the same grounds?

Mr. ROSENSHINE. On the same grounds.

Mr. SOURWINE. Have you participated in any demonstrations or picketing sponsored or instigated by the Fair Play for Cuba Committee or its Detroit chapter?

Mr. ROSENSHINE. I decline to answer this question on the same grounds as previously stated.

Mr. SOURWINE. Did you not make a trip to Cuba in December 1960, under the sponsorship of the Fair Play for Cuba Committee?

Mr. ROSENSHINE. I decline to answer this question on the same grounds.

Mr. SOURWINE. Do you know Edward Shaw, regional director of the Fair Play for Cuba Committee?

Mr. ROSENSHINE. I decline to answer this question on the same grounds.

Mr. SOURWINE. Have you ever made a contribution to the Communist Party U.S.A. or one of its subdivisions?

Mr. ROSENSHINE. I decline to answer that question on the same grounds.

Mr. SOURWINE. Have you ever paid dues to the Communist Party U.S.A. or any of its subdivisions?

Mr. ROSENSHINE. I decline to answer this question on the same grounds as stated.

Mr. SOURWINE. Are you presently a member of the Communist Party U.S.A.?

Mr. ROSENSHINE. I decline to answer this question on the same grounds.

Mr. SOURWINE. Have you a son named Daniel?

Mr. ROSENSHINE. Yes; I do.

Mr. SOURWINE. I show you, sir, a clipping, being a photocopy of a clipping of an editorial from the South Haven (Mich.) Tribune of February 10, 1961, bearing the caption "Mr. Rosenshine Falls Flat."

Mr. ROSENSHINE. Well, I can't assume any responsibility for any of my son's actions; however, since Daniel's name has been brought up here I would like to submit a copy of his resignation from the Fair Play for Cuba Committee that was sent in on March 25.

I would like to submit this for the records of the committee.

Senator KEATING. This was sent in this year?

Mr. ROSENSHINE. Beg your pardon.



Senator KEATING. That is March 25, 1961?

Mr. ROSENSHINE. 1961.

Senator KEATING. At that time your son resigned from the Fair Play for Cuba Committee?

Mr. ROSENSHINE. Beg your pardon.

Senator KEATING. At that time your son resigned from the committee?

Mr. ROSENSHINE. This is a copy of the resignation.

Mr. SOURWINE. My question simply was whether it was your son referred to in this editorial. I take it you say it was.

Senator KEATING. One moment, please.

Mr. ROSENSHINE. Well, I couldn't tell you because I wasn't at the meeting and I was not aware of this activity here.

You would have to call him in and ask him to identify it. I have never seen this before.

Senator KEATING. You were not at that meeting yourself?

Mr. ROSENSHINE. I beg your pardon.

Senator KEATING. You say you were not at that meeting yourself?

Now wide latitude is given by this committee to witnesses consulting with their counsel. However, the committee frowns on any efforts by counsel to, in any way, change or modify the testimony of the witness and I would hope that the witness would only consult his counsel for a proper purpose.

Mr. GOODMAN. I resent that statement, Mr. Keating, because I don't know whether you have heard what my conversation was with the witness. I should hope that there was no manner in which my conversation with him would be available to the chairman.

Senator KEATING. Mr. Goodman, yesterday in the executive session these various witnesses with the exception of Mr. Miller who gave forthright testimony, in almost every other instance, you were constantly pulling at the sleeve of your clients and were not conducting yourself in a manner which is befitting members of the bar, in the opinion of the chairman.

Mr. GOODMAN. I resent that statement and I don't think it is appropriate for the chairman of this committee to characterize my position toward my client in that manner.

I also want the record to show that Mr. Rosenshine, as I advised the committee yesterday, is hard of hearing and I have been finding it difficult to discuss matters with him which I would not find difficult with respect to other witnesses.

I think the chairman is aware of that, too.

Senator KEATING. Have you completed your conference with him?

I think the question, Mr. Rosenshine, was: Did you say you were not present at the meeting which is referred to in this clipping, which your son, apparently, attended? Was that right?

Mr. ROSENSHINE. That is correct.

Senator KEATING. Have you attended other meetings of the Fair Play for Cuba Committee?

Mr. ROSENSHINE. I refuse to answer this question on account of the fifth amendment.

Mr. SOURWINE. Do you know whether your son attended the meeting of the Michigan Press Association?

Mr. ROSENSHINE. Well, again, I must—I am afraid you will have to ask my son that question, direct that question to my son because I believe you people as parents know that we can't control all of the moves of our children. We don't know what meetings they go to.

Senator KEATING. That is perfectly true, and your answer is you do not know.

Now, counsel, I think you should read in all fairness, the letter which Mr. Rosenshine has given us which he says is a copy of a letter written by his son on March 25 this year, to the New York office and Mr. Shaw as the head of the midwestern office of the Fair Play for Cuba Committee.

Mr. SOURWINE. Yes.

May this clipping be inserted in the record?

Senator KEATING. Yes.

(The clipping referred to was marked "Exhibit No. 57" and reads as follows:)

EXHIBIT No. 57

[From the South Haven (Mich.) Tribune, Feb. 10, 1961]

AS OTHERS SEE IT: MR. ROSENSHINE FALLS FLAT

(From the Feb. 1 edition of the Hillsdale News)

Jules Dubois of the Chicago Tribune is perhaps the best posted newspaperman in the United States on conditions in Cuba. An intimate of Fidel Castro in the prerevolution days and in the early months of his government, Dubois eventually wound up on the firing squad list for reporting the Communist infiltration of Castro's government.

Saturday night Dubois was the principal speaker at the windup dinner at the Michigan Press Association's annual meeting at Kellogg Center, East Lansing.

He said . . . and documented . . . what everybody knows: That Castro has become a Communist tool; that the weapons of freedom . . . the communications media . . . have been confiscated by the Cuban Government, that all areas of the Cuban economy . . . business, industry and agriculture . . . have fallen under the hammer and sickle of the state. He added that thousands of peasants have rallied around anti-Communist freedom fighters and predicted that Castro "won't get away with it."

At the close of his formal remarks the chairman announced that Mr. Dubois would be glad to answer questions.

There arose in a far corner of the diningroom a young man later identified as Daniel Rosenshine, Detroit high school student. He had no questions to ask. He had a speech to make . . . a line to follow.

Mr. Dubois had not told the truth, he said. Castro is a great man, a savior. The Cuban people are 100 percent behind him. The talk of Communist infiltration was bosh. The United States is to blame for all of Cuba's troubles.

It was a startling interruption, except to Mr. Dubois. Rosenshine was known to him as a member of the Fair Play for Cuba group, largely made up of students and college professors, who spent 12 days in Cuba and returned to the United States well fortified with ammunition and techniques for rabble-rousing in Castro's behalf. Other members of the Fair Play for Cuba group had attempted to harrass Mr. Dubois on other occasions.

What is the best way to handle a situation like this?

Bang the gavel . . . shut the intruder up abruptly and quickly?

No, this is the land of free speech, remember?

Throw him out in the hall? Punch him in the nose?

You don't do those things, although sorely tempted, because Mr. Rosenshine hopes you will. He'd like you to make him a martyr. This would win him and his phoney cause bigger headlines.

The way to handle such an individual is the way it was handled Saturday night.

Rosenshine was allowed to make three or four statements, then the meeting was adjourned.

A group of 20 or 30 newspapermen, including Dubois, gathered around him in the hall. The informal debate continued for many minutes. There was no trouble, not even any loud talk. Rosenshine's statements were challenged, refuted, and the refutations documented. There was some needling, which was natural.

Finally the discussion broke up, and Rosenshine walked alone to the check-room. He was shaking his head as he left. He had converted no one, convinced no one. He had picked the wrong meeting. There was no possibility of martyrdom here. The trip from Detroit had been wasted. He lost a battle because the newsmen were aware of his purpose and knowledgeable enough about Cuban affairs to make a shambles of his ridiculous assertions and arguments.

This is the way it should be done.

In Cuba, the land he loves, Mr. Rosenshine wouldn't have lived 'til morning.

Mr. SOURWINE. This is a signed copy of your son's resignation?

Mr. ROSENSHINE. That is his own signature.

Mr. SOURWINE. March 25, 1961, sent to Fair Play Office, New York, Ed. Shaw, 1057 East Grand Boulevard, Detroit.

That indicates that a copy went to New York and a copy went to Mr. Shaw.

Mr. ROSENSHINE. This is a natural copy of the letter that was sent him.

Mr. SOURWINE. It says:

DEAR SIR: Please be advised of my resignation from the Fair Play for Cuba Committee. You may cancel my subscription to any forthcoming Fair Play publications. I have made this decision after much deliberation on the present situation in Cuba and on the nature of the Fair Play committee.

I am one who strongly believes in the economic, political, and intellectual freedom of the individual. If the individual does not have a certain amount of economic independence and stature, the freedoms of thought and political decision are usually unattainable. Although the Cuban revolution has taken important steps in providing economic welfare for the people, there have been developments on the political and intellectual fronts which are inconsistent with my concept of individual freedom. The Fair Play Committee has seen fit to give its unreserved support to the measures taken by the present regime in Cuba. The stand of many of these Fair Play members with whom I have come in contact has been one of unthinking ideological support rather than evaluating each new development in Cuba on its merits, judged by enlightened standards, and Fair Play has sought to rationalize the tremendous mistakes of the Castro government.

The United States has been continuously criticized in a highly nonobjective manner. I believe that there are many Americans who favor Fidel Castro's original promises of political democracy—now forgotten—and economic reform and who are now dismayed at the undemocratic developments in Cuba.

As Americans we should judge the happenings in Cuba, not from a position of uncompromising favoritism, but from one that is openminded and reasonable. We should be willing to admit an attempt to correct our own mistakes but this does not mean that we should favor all of the extreme policies which the Castro regime has adopted.

I find that my conscience will not allow me to give my wholehearted support to an order which includes firing squads, lack of democratic processes and the revocation of civil liberties which are basic to individual dignity, nor do I find myself in agreement with the position taken by your organization, with the basic philosophy of many of your members.

Rather than give you my halfhearted support, I would prefer to give you none at all.

DANIEL J. ROSENSHINE.

Senator KEATING. Mr. Rosenshine, I wish you would convey to your son my commendation on his realistic and very excellently worded letter and I hope he will continue to exhibit in the future the principles which he has enunciated in this letter.



How old is your son?

Mr. ROSENSHINE. Seventeen and one-half years old.

Senator KEATING. It is a very well-worded letter for a 17-year-old son.

I could only wish that this letter might have wide distribution. It enunciates, better than some of the rest of us could, the sum of the facts which we have elicited from other witnesses and which we have had introduced into this record in connection with our investigation of the Fair Play for Cuba Committee.

There has been a bell now for a vote on the floor. The Chair will recess the hearing until 4 o'clock.

(Whereupon, at 3:25 the committee recessed to resume at 4 o'clock the same afternoon.)

Senator KEATING. The subcommittee will come to order.

Mr. Rosenshine, just before the recess took place, we inserted in the record and read into the record your son's very fine letter.

I would again make the appeal to you to follow the fine example set by your son.

Would you care to alter in any way any of the testimony which you have given today?

Mr. ROSENSHINE. I don't know just exactly what you have reference to.

Senator KEATING. I would appreciate it, and the committee would appreciate it, if you saw fit to tell us what you know, if anything about the Fair Play for Cuba Committee.

(The witness consults with counsel.)

Mr. ROSENSHINE. I prefer to follow the same procedure that I did before.

Senator KEATING. May I ask you this: Do you agree with the sentiments expressed by your son in this letter?

Mr. ROSENSHINE. By and large, I would say "Yes, I agree with the ideas expressed in the letter."

Senator KEATING. Have you severed any connection which you might have with the Fair Play for Cuba Committee?

Mr. ROSENSHINE. Sir, I can tell you my connections with the Fair Play for Cuba Committee were very little.

Senator KEATING. Whatever little they were, have you severed them?

Mr. ROSENSHINE. Yes.

Senator KEATING. You have.

And you do not attend any more meetings?

Mr. ROSENSHINE. No, I don't.

Senator KEATING. And you, in general, agree with the sentiments expressed in this letter of your son, is that right?

Mr. ROSENSHINE. I do.

Senator KEATING. We all make mistakes. The Chairman of this committee has made lots of them, Mr. Rosenshine. And the best way to rectify them is to make those facts known, and this committee always is very considerate toward any who have seen the error of their ways.

Mr. ROSENSHINE. If you will allow me to read a few lines of a prepared statement—

Senator KEATING. Is it a short statement?

Mr. GOODMAN. Two short paragraphs

Senator KEATING. You may read it.

Mr. ROSENSHINE. I consider myself a loyal American citizen. I have the utmost respect for the republican democracy under which we live, and I cherish the various privileges guaranteed to us in the Constitution of the United States. My loyalty to my country would never permit me to taken any action detrimental to the interests of the United States and the interests of its people.

I am not now, nor have I ever been, a member of the Communist Party. Dictatorial government is abhorrent to me, no matter where it is practiced, and I deem governmental interference in the political beliefs of the individual to be contrary to the spirit of our American tradition. Therefore, it is my firm conviction that, if our democratic form of government is to survive, we must tolerate freely the views of minorities, even though they might be unpopular and unacceptable to most of us.

Those are my sentiments.

Senator KEATING. There is nothing in conflict with the sentiments of this committee to say that everyone should have a right to express freely their views, no matter what those views may be, so long as they do not injure the security of our country.

Your statement is received, and we are very glad to have it, sir.

Thank you, Mr. Rosenshine.

Mr. SOURWINE. Reva Bernstein.

Senator KEATING. Would you raise your right hand, Mrs. Bernstein.

Do you solemnly swear that the evidence you will give in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. BERNSTEIN. I do.

Mr. SOURWINE. You also have Mr. Goodman as your counsel?

Mrs. BERNSTEIN. Yes, sir.

### TESTIMONY OF REVA BERNSTEIN

Mr. SOURWINE. Your name is Mrs. Reva Bernstein?

Mrs. BERNSTEIN. That is correct.

Mr. SOURWINE. Your address is 186 Mendota, Detroit?

Mrs. BERNSTEIN. Sir, I would ask that this be stricken from the record, for the reason that I think there is a very great possibility that when this sort of thing comes out in the press, that we may very well be harassed, and I just think it is unfair.

Senator KEATING. The residence of the witness is a proper part of the record, Mrs. Bernstein, and I am sure that if you are in any way harassed and appeal to the police for protection, you will have it. But we must identify our witnesses.

Mrs. BERNSTEIN. That is the address.

Mr. SOURWINE. You are the wife of Joseph Bernstein, who testified here today?

Mrs. BERNSTEIN. That is correct.

Mr. SOURWINE. Mrs. Bernstein, did you visit Cuba in December 1960, under the sponsorship of the Fair Play for Cuba Committee?

Mrs. BERNSTEIN. I decline to reply to this because I rely on the rights and privileges granted to me and to every American citizen

under the fifth amendment to the Bill of Rights of the Constitution, which states that no person may be compelled to be a witness against himself.

Senator KEATING. Mrs. Bernstein, your objection is sustained on that ground.

But I call your attention and that of Mr. Shaw and others who have used that expression that our country recognizes the right of any person, whether he be an American citizen or not, to invoke that protection, a right which I might remind you is not given in many countries.

Mr. SOURWINE. Are you, Mrs. Bernstein, a member of the Fair Play for Cuba Committee?

Mrs. BERNSTEIN. I decline to answer that question on the same grounds just stated.

Mr. SOURWINE. Are you a member of the Detroit chapter of the Fair Play for Cuba Committee?

Mrs. BERNSTEIN. I decline to answer that question on the grounds previously stated.

Mr. SOURWINE. Have you attended meetings of the Fair Play for Cuba Committee?

Mrs. BERNSTEIN. I decline to answer on the same ground.

Mr. SOURWINE. Have you participated in demonstrations, in picketing, sponsored or instigated by the Fair Play for Cuba Committee or its Detroit chapter?

Mrs. BERNSTEIN. I decline to answer on the same grounds.

Mr. SOURWINE. Do you know Edward Shaw, regional director of the Fair Play for Cuba Committee?

Mrs. BERNSTEIN. I decline to answer on the same grounds.

Mr. SOURWINE. Do you receive literature through the mail from the Fair Play for Cuba Committee headquarters in New York?

Mrs. BERNSTEIN. I decline to answer on the same grounds.

Mr. SOURWINE. Have you paid dues to the Fair Play for Cuba Committee in New York?

Mrs. BERNSTEIN. I decline to answer on the same grounds.

Mr. SOURWINE. Have you ever made a contribution to the Communist Party, U.S.A.?

Mrs. BERNSTEIN. I decline to answer on the same grounds.

Mr. SOURWINE. Have you ever paid dues to the Communist Party, U.S.A.?

Mrs. BERNSTEIN. I decline to answer on the same grounds; that was the same question you just asked of me.

Mr. SOURWINE. The first question was contributions; the second was dues.

Mrs. BERNSTEIN. Excuse me, sir.

Mr. SOURWINE. Are you the Reva Bernstein who was a member of the Ben Davis Club of the Communist Party, U.S.A., in 1946?

Mrs. BERNSTEIN. I decline to answer this question on the same grounds.

Mr. SOURWINE. I have no more questions of this witness, Mr. Chairman.

Senator KEATING. You are excused, Mrs. Bernstein.

Mr. SOURWINE. Arnold Sabaroff.



Senator KEATING. Mr. Sabaroff, will you raise your right hand.

Do you solemnly swear that the evidence you will give in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SABAROFF. I do.

### TESTIMONY OF ARNOLD SABAROFF

Mr. SOURWINE. You are Arnold Sabaroff?

Mr. SABAROFF. Yes.

Mr. SOURWINE. You live at 19945 Whitcomb, Detroit 35?

Mr. SABAROFF. Yes, sir.

Mr. SOURWINE. What is your business address?

Mr. SABAROFF. 14211 Wyoming.

Mr. SOURWINE. And what is your business or profession?

Mr. SABAROFF. I am a sales manager for my firm.

Mr. SOURWINE. Are you married?

Mr. SABAROFF. Yes.

Mr. SOURWINE. Did you and your wife——

Senator KEATING. What is the firm?

Mr. SABAROFF. Max Sabaroff & Co., Inc.

Senator KEATING. Is that a family concern?

Mr. SABAROFF. Yes; it is.

Mr. SOURWINE. Did you and your wife go on a trip to Cuba in December 1960, under the auspices of the Fair Play for Cuba Committee?

Mr. SABAROFF. Under the rights granted to me by the fifth amendment of the Constitution, I refuse to answer that question.

Mr. SOURWINE. Are you a member of the Fair Play for Cuba Committee?

Mr. SABAROFF. I refuse to answer for the same reason.

Mr. SOURWINE. Are you a member of the Detroit chapter of the Fair Play for Cuba Committee?

Mr. SABAROFF. I refuse to answer that for the same reason.

Mr. SOURWINE. Have you attended meetings of the Fair Play for Cuba Committee?

Mr. SABAROFF. I refuse to answer that for the same reason.

Mr. SOURWINE. Have you participated in demonstrations or picketing sponsored or instigated by the Fair Play for Cuba Committee or its Detroit chapter?

Mr. SABAROFF. I refuse to answer that for the same reason.

Mr. SOURWINE. Do you know Edward Shaw, regional director of the Fair Play for Cuba Committee?

Mr. SABAROFF. I refuse to answer that for the same reason.

Mr. SOURWINE. I have no more questions of this witness, Mr. Chairman.

Senator KEATING. May it appear on the record that Mr. Sabaroff is also represented by Mr. Goodman.

Mr. GOODMAN. I think it was stated.

Senator KEATING. Thank you, Mr. Sabaroff.

Mr. GOODMAN. By the way, Mr. Chairman, some of these witnesses have rather lengthy statements that they wanted me to file. They would be rather long to read. Can I file them?

Senator KEATING. You may file them and the committee will determine, when they are able to vote on them, whether they will be put in the record.

Mr. SOURWINE. David Wellman.

Senator KEATING. Mr. Wellman, will you raise your right hand.

Do you solemnly swear that the evidence you give in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WELLMAN. I do.

Mr. SOURWINE. Do you also have as counsel Mr. Goodman?

Mr. WELLMAN. That is correct.

### TESTIMONY OF DAVID WELLMAN

Mr. SOURWINE. You are David Wellman of 15354 Monica, Detroit, Mich.?

Mr. WELLMAN. That is correct.

Mr. SOURWINE. What is your business address, sir?

Mr. WELLMAN. I have no business address. I am a student at Wayne State University in Detroit, Mich.

Mr. SOURWINE. When and where were you born, Mr. Wellman?

Mr. WELLMAN. I was born in New York City, N.Y., on June 2, 1940.

Mr. SOURWINE. Did you hear the testimony this morning with respect to you?

Mr. WELLMAN. Excuse me, please.

(The witness confers with counsel.)

Mr. WELLMAN. That is correct.

Mr. SOURWINE. Are you, as Mr. Kowalski testified, the son of Sol and Mignon Wellman?

Mr. WELLMAN. I would like to object to that question, Senator, on the ground that who my parents are, I believe, has no relevancy to this committee hearing, being that I have no choice as to who my parents are.

Now, I would also like to make it clear that I am very proud and respect my parents dearly. However, I do not feel that I, as their son, with all due respect to my parents, whom I do respect and love, that I have no choice as to their activities, be them what they may, just as your son, if you have one, should not be held responsible for those deeds which you commit as to whether he agrees with them or disagrees with them.

Senator KEATING. There is no question about the basic fact which you have set forth. A son cannot have visited upon him any sins or any of the virtues of a father, or vice versa. Your name, however, is not an unusual one, and for the purposes of identification only.

Mr. WELLMAN. Excuse me, Senator. If this was for identification, I would have no objection whatsoever. However, the implication which accompanied the witness over there was that my parents were Communists, and I feel that has certain implications with regard to my character, David Wellman, an individual.

If it was purely for identification reasons, I have no objection to it.

However, this, I believe, is the first time such a question has been asked of a witness at this hearing, to my knowledge, today, and I

can't see how this, all of a sudden, is a means of identifying me, when it was not previously.

Senator KEATING. Are you, yourself, a member of the Communist Party?

Mr. WELLMAN. Excuse me, please.

(Witness confers with counsel.)

Mr. WELLMAN. Senator, I would respectfully like to decline to answer this question due to the amendment to the Constitution which states that a citizen or any person is not compelled to be a witness against himself.

However, I believe that your question has no relevancy to my objection.

Senator KEATING. Are you under Communist discipline and control?

Mr. WELLMAN. I respectfully decline to answer that question on the grounds previously stated. Senator, has my objection been acknowledged by you?

Senator KEATING. You may ask your question, counsel.

Mr. SOURWINE. The question is:

Are you the son of Sol and Mignon Wellman, as testified to this morning by Mr. Kowalski?

Mr. WELLMAN. I once again would like to object to this question on the grounds that I have previously stated.

Senator KEATING. You are directed to answer.

Mr. WELLMAN. Then I respectfully decline to answer that question on the grounds previously stated.

Senator KEATING. On what ground?

Mr. WELLMAN. On the ground that I, as an American citizen, am not compelled to bear witness against myself.

Mr. SOURWINE. Mr. Wellman, are you a member of the Fair Play for Cuba Committee?

Mr. WELLMAN. I respectfully decline to answer that question on the grounds previously stated.

Mr. SOURWINE. Are you a member of the Detroit chapter of the Fair Play for Cuba Committee?

Mr. WELLMAN. I respectfully decline to answer that question on the grounds previously stated.

Mr. SOURWINE. Are you the David Wellman who has attended meetings of the Fair Play for Cuba Committee in Detroit?

Mr. WELLMAN. I respectfully decline to answer that question on the grounds previously stated.

Mr. SOURWINE. Are you the David Wellman who participated in demonstrations or picketing sponsored or instigated by the Fair Play for Cuba Committee, Detroit chapter?

Mr. WELLMAN. Once again I must respectfully decline to answer this question on the grounds that were previously stated.

Mr. SOURWINE. Mr. Wellman, I show you two photos, being the photos which are in the record of the hearing today as exhibits 43 and 44.

Will you look at these photographs, please?

Mr. WELLMAN. Yes.

Mr. SOURWINE. Do you recognize them as photographs in which you, yourself, appear?



Mr. WELLMAN. I respectfully decline to answer this question on the grounds previously stated.

Mr. SOURWINE. Did you, Mr. Wellman, make a trip to Cuba in December 1960, under the sponsorship of the Fair Play for Cuba Committee?

Mr. WELLMAN. I respectfully decline to answer that question on the grounds that were previously stated.

Mr. SOURWINE. Mr. Wellman, have you ever made a contribution to the Communist Party, U.S.A.?

Mr. WELLMAN. Once more I must respectfully decline to answer this question on the grounds that have been previously stated.

Mr. SOURWINE. I have no more questions of this witness, Mr. Chairman.

Senator KEATING. You are excused.

Mr. WELLMAN. Thank you.

Senator KEATING. Martin Miller.

Mr. GOODMAN. May he be excused from the hearing room?

Senator KEATING. Is he seeking, also, to file a statement with the committee?

Mr. GOODMAN. He has one.

Senator KEATING. May I see it first?

Mr. Miller, you may sit there.

I just want to ask one more question of Mr. Wellman.

You have submitted a statement to this committee for inclusion in the record. Do you swear that the contents of that statement are true?

Mr. WELLMAN. Excuse me, please.

(Witness confers with counsel.)

Mr. GOODMAN. Will you pardon me while I go over this?

Senator KEATING. Yes.

Mr. WELLMAN. Senator, I would not like to submit this as a sworn statement, in the light of the position I have taken at this hearing.

Senator KEATING. In other words, you are unwilling to swear that the facts stated in this statement are true?

Mr. WELLMAN. I am unwilling to submit this in the light of the stand I have taken with regard to the fifth amendment.

Senator KEATING. Very well. The statement is withdrawn.

Before you are recalled, Mr. Miller, I want to recall Mrs. Bernstein.

#### TESTIMONY OF REVA BERNSTEIN—Resumed

Senator KEATING. Mrs. Bernstein, you have submitted a statement to be filed with this committee. Who prepared this statement?

Mrs. BERNSTEIN. I prepared the statement.

Senator KEATING. And are the contents of that statement true?

Mrs. BERNSTEIN. Senator, because of the previous position I have taken on the fifth amendment, I cannot submit this as a sworn statement.

Senator KEATING. Do you wish to withdraw the statement?

Mrs. BERNSTEIN. Well, it is up to you. I would like to leave it on file with the committee.

Senator KEATING. Are you able to swear to the statement made on page 2 that "neither my husband or I are members of, or active in, the Fair Play for Cuba Committee"?

Mrs. BERNSTEIN. I still take the position in answering that question as I did before, based on the fifth amendment, Senator.

Senator KEATING. If you are not able to swear to the contents of the statement that you seek to submit to us, we cannot receive it.

Mr. GOODMAN. May Mr. Wellman leave?

Senator KEATING. Yes.

I want to recall Mr. Sabaroff.

#### TESTIMONY OF ARNOLD SABAROFF—Resumed

Senator KEATING. Mr. Sabaroff, I show you a statement dated June 16, 1961, which you have submitted to this committee. Is that your signature?

Mr. SABAROFF. Yes, that is my signature.

Senator KEATING. And do you swear to the contents of that document?

Mr. SABAROFF. Sir, I respectfully submit that I refuse to swear to this statement on the same ground that I previously refused to answer the questions regarding the matter in that statement.

Senator KEATING. This committee cannot accept statements from witnesses that they are not prepared to back up.

Mr. Sabaroff may be excused.

We will proceed with Mr. Miller.

Mr. GOODMAN. May I have the statements back?

Senator KEATING. No, they have been submitted here.

Mr. GOODMAN. Are you accepting them or rejecting them?

Senator KEATING. Not accepting them, but impounding them, Mr. Goodman.

Mr. Miller, will you raise your right hand, please?

Do you solemnly swear that the evidence you give in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MILLER. I do.

#### TESTIMONY OF MARTIN MILLER

Mr. SOURWINE. Are you Martin Miller?

Mr. MILLER. Yes, sir.

Mr. SOURWINE. Do you have a middle name or initial?

Mr. MILLER. "A."

Mr. SOURWINE. You live at 12860 Ten Mile Road, South Lyons, Mich.?

Mr. MILLER. That is correct.

Mr. SOURWINE. What is your business of profession?

Mr. MILLER. I have a small pattern jobbing shop right at home.

Mr. SOURWINE. Are you a member of the Fair Play for Cuba Committee, Mr. Miller?

Mr. MILLER. I am.

Mr. SOURWINE. Are you a member of the Detroit chapter of the Fair Play for Cuba Committee?

Mr. MILLER. Yes.

Mr. SOURWINE. Do you hold any office in this committee?

Mr. MILLER. No.

Mr. SOURWINE. How did you come to join the Fair Play for Cuba Committee?

Mr. MILLER. Because I thought they were espousing a cause which needed some support for fair play.

Mr. SOURWINE. You received literature of the committee through the mail, and on that basis came into contact with the committee, is that correct?

Mr. MILLER. That is correct.

Mr. SOURWINE. What meetings of the Fair Play for Cuba Committee have you attended?

Mr. MILLER. I could not tell exactly. I have been rather erratic in my attendance at their meetings, and I have not paid particular attention to them.

Mr. SOURWINE. You have attended some meetings?

Mr. MILLER. Yes.

Mr. SOURWINE. Can you tell the committee who acted as chairman at any of the meetings you attended?

Mr. MILLER. I think I didn't recall who, and I have not subsequently remembered, who the chairmen were.

Mr. SOURWINE. Have you been here all day and seen witnesses who have testified before you testified?

Mr. MILLER. I have.

Mr. SOURWINE. Did you recognize any of those individuals as members of the Fair Play for Cuba Committee?

Mr. MILLER. I recognized them as members who had, some of them, been along on the tour, or all of them had been along on the tour.

As to whether they had membership in the committee, I do not know.

Mr. SOURWINE. You say "on the tour," you mean the tour to Cuba under the auspices of the Detroit Fair Play for Cuba Committee?

Mr. MILLER. That is correct.

Mr. SOURWINE. You say all of the witnesses who preceded you, with the exception of the detective, were on that tour?

Mr. MILLER. That is correct. And he should have been there.

Mr. SOURWINE. Did you recognize any of those witnesses as persons you had seen at the meetings of the Fair Play for Cuba Committee?

Mr. MILLER. Pardon me. Did I recognize them as being—

Mr. SOURWINE. As having been seen by you at Fair Play for Cuba Committee meetings?

Mr. MILLER. Some of them; yes, I presume so.

Mr. SOURWINE. Do you remember having seen Mr. Edward Shaw at meetings of the Fair Play for Cuba Committee?

Mr. MILLER. Yes; Ed Shaw was in evidence at some meetings, and some that weren't fair play, as I understand it.



Mr. SOURWINE. Do you remember seeing Mrs. Rita Shaw at meetings of the Fair Play for Cuba Committee?

Mr. MILLER. That is correct.

She was a director and took care of all the transportation, and a great deal of work involved.

Mr. SOURWINE. Do you remember having seen Nathan Rosenshine at any meetings of the Fair Play for Cuba Committee?

Mr. MILLER. I do not. I didn't know him well enough to have a nodding acquaintance with him until we met here in Washington.

Mr. SOURWINE. Do you remember having seen Joseph Bernstein at meetings of the Fair Play for Cuba Committee?

Mr. MILLER. Not at any Fair Play Committee; no.

Mr. SOURWINE. Do you remember having seen Reva Bernstein at any meetings of the Fair Play for Cuba Committee?

Mr. MILLER. I do not; no.

Mr. SOURWINE. Do you remember having seen Arnold Sabaroff at any meetings of the Fair Play for Cuba Committee?

Mr. MILLER. It is possible he was at one meeting, but this particular meeting there were probably hundreds of people there, and I don't remember, I didn't talk to him personally.

Mr. SOURWINE. All we want is your recollection, sir.

Do you remember having seen David Wellman at meetings of the Fair Play for Cuba Committee?

Mr. MILLER. Yes; on one occasion, at least.

Mr. SOURWINE. Mr. Miller——

Senator KEATING. Excuse me.

How many of those meetings did you attend, Mr. Miller?

Mr. MILLER. To count them, I would say it would be two or three meetings. And this would be from a period before I went to Cuba to this time.

Mr. SOURWINE. Do you know who are the officers of the Fair Play for Cuba Committee chapter in Detroit?

Mr. MILLER. I do not.

Mr. SOURWINE. Have you participated in picketing or demonstrations sponsored by the Fair Play for Cuba Committee in Detroit?

Mr. MILLER. I have.

Mr. SOURWINE. I show you a photograph which is in the record of the hearing as exhibit 42, and I ask if you recognize this as a photograph of a number of persons in a picket line, one of whom is yourself?

Mr. MILLER. I recognize myself.

Mr. SOURWINE. Do you recognize any other persons in that photograph?

Mr. MILLER. No; I do not.

Well, I can recognize the faces of only about five people there, and of those people I cannot recognize any of them except myself.

Mr. SOURWINE. Do you recognize them as persons you know, but do not recall the names of, is that what you mean?

Mr. MILLER. Well, to my knowledge, these faces are not familiar, and I would not recognize them.

Mr. SOURWINE. Very good, sir.

Now, do you recall having seen any of the witnesses who testified here today in picket lines?

Mr. MILLER. I am not sure. I don't think so.

Mr. SOURWINE. Do you know Edward Shaw as regional director of the Fair Play for Cuba Committee?

Mr. MILLER. Excuse me.

I must say that I recognize Edward Shaw as being at the picket line.

Mr. SOURWINE. Do you know Mr. Shaw to be regional director of the Fair Play for Cuba Committee, Midwest regional director?

Mr. MILLER. I understand that is his position, whatever it is, whatever it means.

Mr. SOURWINE. Now, how many persons were there in the group who went to Cuba in December 1960, under the sponsorship of the Fair Play for Cuba Committee?

Mr. MILLER. We were told that there was between 300 and 350, and I assume that is correct.

Mr. SOURWINE. Do you know how many of these were from Detroit, approximately?

Mr. MILLER. No; I do not. But in evaluating the crowd and those people, I would say it might have been from 20 to 30 from the Detroit and Ann Arbor area.

Mr. SOURWINE. Did the persons from that area all travel together to embark?

Mr. MILLER. No; they all traveled separately or in groups, small groups.

Mr. SOURWINE. What did you pay for this trip to Cuba?

Mr. MILLER. I paid \$100 from Miami to Havana.

Mr. SOURWINE. And to whom did you make this payment?

Mr. MILLER. To the New York office of the Fair Play Committee.

Mr. SOURWINE. How did you transmit your funds?

Mr. MILLER. By money order.

Mr. SOURWINE. And how long did the trip last?

Mr. MILLER. Well, we were supposed to leave on the 23d, and we were back on the 2d of January.

Mr. SOURWINE. The 23d of December to the 2d of January?

Mr. MILLER. Correct.

Mr. SOURWINE. Approximately 10 days?

Mr. MILLER. Correct.

Mr. SOURWINE. How did you come to go on this trip; that is, were you asked to go on this trip, or did you receive literature advertising it and respond to that literature?

Mr. MILLER. I understood there was such a trip, or I heard about it, and I understand that it was publicized in the New York Times, and subsequently, I think, in some other minor papers that told about it, and when I heard about it—

Senator KEATING. You mean such as the Detroit Free Press?

Mr. MILLER. I doubt it very much.

Mr. SOURWINE. Where did you first hear about it, Mr. Miller?

Mr. MILLER. I think it was through literature that I had received through the mail, and how they got my name on the mailing list, I don't know.

Mr. SOURWINE. Who was in charge of the Detroit group on that trip to Cuba?

Mr. MILLER. As far as I know—I know who did most of the work, and that was Rita and Ed Shaw.

Mr. SOURWINE. You mean Mrs. Reva Bernstein?

Mr. MILLER. No, Rita Shaw, and her husband, Ed.

Mr. SOURWINE. Do you know who was in charge of the whole group of some 300 or 350?

Mr. MILLER. No; I do not.

Mr. SOURWINE. Did you meet Fidel Castro while you were in Cuba?

Mr. MILLER. No, but I stood almost as close as you are to me while he was delivering at least a 2-hour lecture which I didn't understand, but I was amazed at the access that we had to him; there were some members of the group who went up and got pictures with him, but I was not so bold.

Mr. SOURWINE. Where were you quartered in Havana?

Mr. MILLER. In the Hotel Riviera.

Mr. SOURWINE. And did your \$100 fee pay not only your expenses from Miami to Havana and back, but also all your living expenses in Havana?

Mr. MILLER. That is correct. You can't miss it; it is a good deal.

Senator KEATING. It sure is.

Mr. SOURWINE. Were you well fed?

Mr. MILLER. Very well.

Mr. SOURWINE. Mr. Miller, have you attended any meetings of the Communist Party, U.S.A.?

Mr. MILLER. No; not to my knowledge.

Mr. SOURWINE. You are not a member of the Communist Party, U.S.A.?

Mr. MILLER. No.

Senator KEATING. And never have been?

Mr. MILLER. No.

Mr. SOURWINE. I take it you are not in any way ashamed of your association with the Fair Play for Cuba Committee or of your trip to Cuba?

Mr. MILLER. That is correct.

Mr. SOURWINE. You have testified about it here freely and fully in response to all the questions?

Mr. MILLER. Correct.

Mr. SOURWINE. I have no more questions of this witness, Mr. Chairman.

Senator KEATING. And I have no more questions. Thank you very much, Mr. Miller.

Mr. MILLER. Could I submit a statement to the group? I have not got it printed out. Could I read it to you?

Senator KEATING. Is it very long?

Mr. MILLER. No, it is not very long.

Senator KEATING. Did you hear the statement of Mr. Shaw which he read here?

Mr. MILLER. Yes.

Senator KEATING. Is it any longer than that?

Mr. MILLER. No, it is shorter than that.

Senator KEATING. You may read it.

Mr. MILLER. From December 23 to January 2, I took part in a tour to Cuba. The tour was a public tour that anybody could take advantage of.



We were free to go on arranged tours or spend all of our time as we chose. There were at least 500 visitors in Havana at the same time, and of this number I am sure 90 percent were earnestly hoping to return to make a genuine people-to-people exchange.

We have been and are now subsidizing such exchanges, but where many hundreds would gladly pay their own way, we have shut the door.

I say these things as an individual. No person or organization is responsible for my beliefs and concepts of human relations except myself. Nor am I responsible for the beliefs and concepts of others.

I shall not knowingly do or suggest anything to hurt another person. I shall do all in my power to secure better human relations with all of God's creatures on this planet and other planets, too, as we learn to communicate with them. The human family has a big job to do communicating and understanding right here and now.

To this end I devote my life. To this end I hope you may advise just laws.

Senator KEATING. Thank you, Mr. Miller.

I want to say that you have been very cooperative with this committee. There is nothing in our records which is in any way derogatory about you and your character. And we are grateful to you for your cooperation.

Mr. MILLER. Thank you.

Senator KEATING. Mr. Miller, I want to ask you this question.

Have you read the letter written by Mr. Daniel J. Rosenshine to the Fair Play Committee both in the New York office and Mr. Ed Shaw in Detroit?

Mr. MILLER. I have not, except as it was read here in the room.

Senator KEATING. Did you hear it read in the room?

Mr. MILLER. I did hear it.

Senator KEATING. Do you agree with the sentiments which Mr. Rosenshine expresses?

Mr. MILLER. I think this point of agreeing and not agreeing is—we agree in some things and not in others. And this is true of every person. And it also could be said that probably Mr. Rosenshine at the age of 20 will say something different than he did at 17.

He made a wonderful statement, and I think his forthrightness is commendable. But this does not say that he could not be in error in some areas.

And, as I say, I would agree at some points; I would enjoy talking with him over a period of years about such things as that.

But this is out of my province at the present time.

Senator KEATING. Thank you very much.

Mr. GOODMAN. Mr. Chairman, just one point.

Mr. Sabaroff has made a request of me to request the committee for the return of the document which you say you impounded which he claims he has a legal right to. And, frankly, I think he has a legal right to make the request for the return.

So I am doing so, at his request.

Senator KEATING. The documents were offered for the committee and were received, subject to the determination as to their receipt.

In the case of the first witness who was questioned, he withdrew his statement, and it was returned to him. The others will be impounded by the committee.

Mr. GOODMAN. Well, he raises an objection, and I make it on his behalf to the continued impounding of the document.

Senator KEATING. The objection is overruled.

That will conclude the testimony with regard to this matter.

The investigations of the Fair Play for Cuba Committee in all of its facets and ramifications, both nationally and in local chapters, will continue, and nothing could be more important to the security of our country than the further continuance of that examination.

(Whereupon, at 5:05 p.m., the hearing was adjourned.)



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# FAIR PLAY FOR CUBA COMMITTEE

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## HEARINGS

BEFORE THE

SUBCOMMITTEE TO INVESTIGATE THE  
ADMINISTRATION OF THE INTERNAL SECURITY  
ACT AND OTHER INTERNAL SECURITY LAWS

OF THE

1 - 8 - 61  
COMMITTEE ON THE JUDICIARY  
UNITED STATES SENATE

EIGHTY-SEVENTH CONGRESS

FIRST SESSION

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PART 4

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JUNE 12, 13, 1961

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Printed for the use of the Committee on the Judiciary



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## RESOLUTION

*Resolved by the Internal Security Subcommittee of the Senate Committee on the Judiciary, That the testimony given in executive session by Herman Kirsch, Richard B. Tussey, Jean Tussey, Max Lawrence Levey, Tad Tekla, and John J. Ungvary on June 12 and June 13, 1961, re the Fair Play for Cuba Committee be released from the injunction of secrecy, be printed, and made public.*

JAMES O. EASTLAND, *Chairman.*  
 THOMAS J. DODD.  
 OLIN D. JOHNSTON.  
 JOHN L. MCCLELLAN.  
 SAM J. ERVIN, Jr.  
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 EVERETT MCKINLEY DIRKSEN.  
 KENNETH B. KEATING.  
 NORRIS COTTON.

Dated: June 24, 1961.





## FAIR PLAY FOR CUBA COMMITTEE

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MONDAY, JUNE 12, 1961

U.S. SENATE,  
SUBCOMMITTEE TO INVESTIGATE THE ADMINISTRATION  
OF THE INTERNAL SECURITY ACT AND OTHER INTERNAL  
SECURITY LAWS, OF THE COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The subcommittee met, pursuant to call, at 2:29 p.m. in room 2300, New Senate Office Building, Senator Thomas J. Dodd presiding.

Present: Senators Dodd and Kenneth B. Keating.

Also present: J. G. Sourwine, chief counsel; Benjamin Mandel, research director; and Frank Schroeder, chief investigator.

Senator DODD. The committee will come to order.

Raise your right hand, please.

Do you solemnly swear that the testimony you will give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KIRSCH. I do.

Senator DODD. Be seated and give your name and address to the reporter.

### TESTIMONY OF HERMAN KIRSCH

Mr. KIRSCH. My name is Herman Kirsch, 4832 East 84th Street.

Mr. SOURWINE. New York City?

Mr. KIRSCH. No, in Cleveland, Ohio.

Mr. SOURWINE. You are accompanied by counsel?

Mr. KIRSCH. Yes, I am.

Mr. SOURWINE. Would you identify yourself for the record, sir?

Mr. FAULKNER. Stanley Faulkner, 9 East 40th Street, New York, N.Y.

Mr. SOURWINE. Mr. Kirsch—

Mr. KIRSCH. Are you Mr. Dodd?

Mr. SOURWINE. No, this is Senator Dodd, Mr. Kirsch.

What other names have you been known by?

Mr. KIRSCH. Before I answer any questions, can I ask why I am being subpoenaed?

Senator DODD. Counsel, you tell him.

Mr. SOURWINE. It seems like a reasonable request.

The subcommittee is much interested in the activities of the Fair Play for Cuba Committee. This committee has a mandate from the Senate to keep itself abreast of the Communist Party and its affiliates and subsidiaries and front groups for the purpose of constantly appraising the legislative possibilities of dealing with this threat to our country's security.

The committee has information that the Fair Play for Cuba Committee—as a matter of fact, we have sworn testimony on the record that the Fair Play for Cuba Committee was initiated with the assistance of money which came from Castro in Cuba. This is Communist money.

The committee has evidence that some of the persons active in the Fair Play for Cuba Committee itself are Communists. The committee has information that old line Communists, all across the country, are helping the committee in its demonstrations and in its organization.

The committee is anxious, therefore, to learn as much as it can about the Fair Play for Cuba Committee, its connections, its activities, its program, its objectives, the people who are in it, the people who are running it.

The committee has information that you are connected with the Fair Play for Cuba Committee in the Cleveland area, and that is why you have been called.

Mr. KIRSCH. Senator, may I read a statement to the committee?

Senator DODD. Not until after we have completed our questions.

Mr. KIRSCH. I would like to be able to read it now.

Senator DODD. No.

Go ahead, Mr. Sourwine.

You will be given a full opportunity, you need not worry. You will have ample chance to say anything that is reasonable and within the rules of the committee, but we want to conduct our hearing now and we shall go ahead and do it.

Mr. KIRSCH. May I ask what legislative purposes these are for?

Mr. SOURWINE. I have already answered that question. The committee has the duty of reporting on all legislative means the committee can devise for meeting the Communist threat. The gathering of information on the basis of which we may appraise the situation and decide whether or not legislation can be phrased or formed to meet particular facets of this threat is a valid legislative purpose.

Might I ask if the statement you are proffering is in any way a challenge to the jurisdiction of the committee or a statement of the reasons for which you do not wish to testify?

If it is, I would respectfully suggest that you are entitled, when a question is asked, to object, and if you have any statement of reasons for the objection, the proper place to put them in the record is at that time.

Mr. FAULKNER. I just looked at the statement. I would say that it does not appear to be a challenge to the jurisdiction of the committee. It is a challenge to the hearing itself.

Senator DODD. Well, let us get on with the hearing.

Proceed, Mr. Sourwine.

Mr. SOURWINE. The question pending, Mr. Kirsch, is what other names, if any, you have been known by.

Senator DODD. Let the record show that the witness is conferring with counsel and the length of time the conference takes.

(Witness consults with counsel 30 seconds.)

Mr. KIRSCH. May I ask what the relevancy of the question is to the announced purpose of the hearing?

Mr. SOURWINE. This is an attempt to find out what other, if any, identities you have had.



Mr. KIRSCH. I must decline to answer on the grounds of the first amendment.

Mr. SOURWINE. Have you ever been known by the name of Herman Kirshenbaum, K-i-r-s-h-e-n-b-a-u-m?

Mr. KIRSCH. I must decline to answer that on the grounds of the first amendment.

Mr. SOURWINE. Have you ever used the name of Herman Kirschenbaum, K-i-r-s-c-h-e-n-b-a-u-m?

Mr. KIRSCH. I must decline to answer that on the grounds of free speech and association.

Mr. SOURWINE. Mr. Chairman, the witness' objections to these questions do not appear to invoke the fifth amendment against testifying against himself. I must respectfully suggest that the first amendment claim he has made is not a valid reason for refusing to answer these questions.

Senator DODD. The chair so rules: That it is not a valid reason for refusing to answer the question. The chair orders you to answer the question.

Mr. KIRSCH. Since this committee does not recognize the right of the first amendment, I must invoke the constitutional right which says that I cannot be compelled to answer against myself.

Mr. SOURWINE. Do you, on the grounds of the constitutional right of the fifth amendment not to testify against yourself, refuse to answer each and every one of the questions I have asked you?

Mr. KIRSCH. That is correct.

Mr. SOURWINE. Have you ever used the name Bob Kingsley, K-i-n-g-s-l-e-y?

Mr. KIRSCH. I refuse to answer that question on the grounds—I'll decline to answer that question on the grounds that it violates my rights under the fifth amendment; I can't be compelled to give testimony against myself.

Mr. SOURWINE. Isn't it true that you were born Herman Kirschenbaum and that your name was legally changed to the name of Herman Kirsch on February 25, 1950, by order of the Cuyahoga County court in Ohio?

Mr. KIRSCH. Since the committee does not recognize the right of the first amendment, I must decline to answer that question on the ground that I would be bearing testimony against myself.

Mr. SOURWINE. I call your attention, sir, to the fact that you are under oath. That being the case, I think you may want to modify your statement. As you well know, the committee has not stated that the committee does not recognize the first amendment. The Chair has ruled that your claim of privilege under the first amendment is not a valid basis for refusing to answer the committee's questions.

Now will you please tell the committee on what possible theory—I am not asking you for facts—just a possible theory under which the fact that your name was once Herman Kirschenbaum and was legally changed by order of an Ohio court to Herman Kirsch, could possibly incriminate you in any way?

(Witness consults with counsel, 10 seconds.)

Mr. KIRSCH. I decline to answer that question.

Mr. SOURWINE. On what grounds?

Mr. KIRSCH. On the grounds that I might be—I must decline to answer the question on the constitutional right that I can't be compelled to testify against myself.

Mr. SOURWINE. Mr. Chairman, I do not believe there is a possible way in which a truthful answer to that question can incriminate the witness, and I ask that he be ordered to answer it.

Senator DODD. The Chair rules that you answer that question and orders you to answer that question.

Mr. KIRSCH. I cannot be compelled to be a witness against myself. I'm trying to answer under my constitutional rights.

Senator DODD. You refuse to answer. Very well, the record will be made.

Mr. SOURWINE. Where were you born and when?

Mr. KIRSCH. I decline to answer on the grounds that I can't be compelled to be a witness against myself, on the constitutional grounds.

Senator DODD. The Chair orders you to answer that question.

Mr. KIRSCH. I beg your pardon?

Senator DODD. The Chair orders you to answer the question.

Mr. KIRSCH. I decline to answer that on the constitutional right that I must not be compelled to be a witness against myself.

Mr. SOURWINE. Are you an American citizen?

(Witness consults with counsel, 25 seconds.)

Mr. KIRSCH. What I'm trying to ask my counsel is what relevancy this has with the whole proposed hearing. These are far-aside questions, what my name is. I have given my name.

Senator DODD. I see. You have been told by counsel that these questions are relevant, first of all, for purposes of identification. Now I instructed you to answer these questions.

Mr. KIRSCH. Mr. Dodd, I did identify myself.

Senator DODD. This question is one of the last two or three which you have refused to answer. You have now been asked, Are you an American citizen?

The Chair orders you to answer the question.

Mr. SOURWINE. If the Chair wishes, counsel will be glad to make a further statement of pertinency of this question.

Senator DODD. I think it would be advisable.

Mr. SOURWINE. As you have been informed, the committee has a mandate from the Senate to keep itself abreast of the Communist Party and its affiliates and subsidiaries and front groups. The committee has information respecting your association with the Fair Play for Cuba Committee. The committee is interested to know what manner of man you are. The question as to whether you are an American citizen is proper under the circumstances.

(The witness consults with his counsel, 10 seconds.)

Mr. KIRSCH. Yes. I must say that I am an American citizen and I'm proud of it.

Mr. SOURWINE. Were you born in the United States?

Mr. KIRSCH. Yes.

Mr. SOURWINE. Where?

Mr. KIRSCH. New York City.

Mr. SOURWINE. When?

Mr. KIRSCH. 1921.

Mr. SOURWINE. November 1, 1921?

Mr. KIRSCH. That's right.

Mr. SOURWINE. Under the name of Herman Kirschenbaum?

Mr. KIRSCH. I must decline to answer that question.

Senator DODD. I think you opened the subject; I order you to answer it.

Mr. KIRSCH. I must decline to answer on my constitutional rights, but I can't be compelled to be a witness against myself.

Senator DODD. Proceed, Mr. Counsel.

Mr. SOURWINE. Are you married, Mr. Kirsch?

(Witness consults with counsel, 25 seconds.)

Mr. KIRSCH. The question was, Am I married, sir?

Mr. SOURWINE. Yes.

Mr. KIRSCH. Yes.

Mr. SOURWINE. You were married to the former Alameda Stahl, S-t-a-h-l?

Mr. KIRSCH. Yes.

Mr. SOURWINE. What is your connection with the Fair Play for Cuba Committee?

Mr. KIRSCH. I must decline to answer that question on my constitutional rights of free speech and association.

Mr. SOURWINE. You are a member of the Fair Play for Cuba Committee, are you not?

Mr. KIRSCH. I must decline to answer that question, too, on my constitutional rights.

Mr. SOURWINE. Now, on the last question before this one you refused on a strictly first amendment basis. You now say your constitutional rights. Are you embracing your claim of privilege under the fifth amendment?

Mr. KIRSCH. Under the amendment where I can't be compelled to testify against myself.

Mr. SOURWINE. That applies to both of the questions?

Mr. KIRSCH. Yes.

Mr. SOURWINE. Isn't it true that you are not only a member of the Fair Play for Cuba Committee, but that you are also a member of the Cleveland chapter of the Fair Play for Cuba Committee?

Mr. KIRSCH. I must decline to answer that on the grounds I can't be compelled to testify against myself.

Mr. SOURWINE. Will you state when you first became a member?

Mr. KIRSCH. Must I repeat myself, that I can't be compelled to testify against myself, and I answered—

Mr. SOURWINE. You were one of the organizers of the Cleveland chapter of the Fair Play for Cuba Committee, were you not?

Mr. KIRSCH. I decline to answer that question, likewise, on my constitutional rights not to be compelled to be a witness against myself.

Mr. SOURWINE. Mr. Kirsch, didn't you attend a meeting of the Fair Play for Cuba Committee?

Mr. KIRSCH. Pardon?

Mr. SOURWINE. I can't compete with counsel.

Senator DODD. If you want to consult with your counsel on every question that is asked, that is perfectly all right. But you will have to tell us when you do, because it is impossible for me to hear the testimony and for counsel to ask questions with you and your lawyer constantly whispering even before the questions are asked you.

Mr. KIRSCH. I'm not a legal man, sir, and I don't know what the technicalities are.



Senator DODD. I am not asking you to be a legal man, I am asking you to be a courteous witness.

Mr. KIRSCH. Very well, sir.

Mr. SOURWINE. Didn't you attend a meeting of the Fair Play for Cuba Committee on November 14, 1960, at the home of Jean Simmons Tussey?

Mr. KIRSCH. I must decline to answer that question on the grounds that it violates my rights of free speech and association.

Mr. SOURWINE. Do you know Jean Simmons Tussey?

Mr. KIRSCH. I must decline to answer that on the same grounds, the constitutional grounds of the first amendment rights of free speech and association.

Mr. SOURWINE. You have, during the last two answers, reverted again to a claim of only the first amendment privilege. I must tell you that if you mean to claim your fifth amendment privilege not to be a witness against yourself in refusing to answer any particular question, you should claim it. Did you intend to claim it as a basis for refusing to answer each of the last two questions?

Mr. KIRSCH. Excuse me. (Witness consults with counsel, 10 seconds.)

No, I am using the first amendment, the free speech and association.

Mr. SOURWINE. Now I'll ask you this question again so that the record may be made clear.

Did you not attend a meeting of the Fair Play for Cuba Committee on November 14, 1960, at the home of Jean Simmons Tussey?

Mr. KIRSCH. I must decline to answer that question, likewise, on the grounds of free speech and association of the first amendment.

Mr. SOURWINE. Mr. Chairman, this is not a valid reason for not answering that question, and I ask that the witness be instructed to answer, notwithstanding his claim of privilege.

Senator DODD. The Chair instructs you to answer the question.

Mr. KIRSCH. Since the committee does not recognize the first amendment, I must decline to answer that question—

Senator DODD. Just a minute. This is the third, fourth, or fifth time you have said that the committee does not recognize the first amendment.

Mr. KIRSCH. I just said—

Senator DODD. Just wait a minute, or you will be in more trouble. We are going to talk one at a time, and you have been difficult enough, but now, and I want this carefully on the record. You are not going to make any insulting or untruthful remarks about this committee in this hearing, and I am not going to permit you to do it once more.

If you have any privileges to claim, state them, but don't malign or accuse this committee of anything unless you can prove it.

Go ahead, Mr. Sourwine.

Mr. SOURWINE. I think the record stands that the witness has been ordered, notwithstanding his claim of first amendment privilege, to answer a question about attending a meeting of the Fair Play for Cuba Committee at the home of Jean Tussey.

Mr. KIRSCH. I said once before that this is the first amendment of free speech and association, and it seems obvious to me that you're refusing to recognize my first amendment rights.

Senator DODD. This is something quite different. We are refusing you the claim on which you have refused to answer the question. But to say that this committee does not recognize the first amendment is something else altogether.

Mr. SOURWINE. You have a right, as I'm sure your counsel will advise you, to free speech, to free association. You do not have a right to refuse to testify about your associations when those associations are pertinent to the committee's inquiry, as this question is.

Mr. FAULKNER. That is entirely so, Mr. Sourwine, because he can exercise his privilege under the fifth amendment and does not have to answer the question.

Senator DODD. We are fully aware of that, Mr. Faulkner, and I think you are fully aware of the fact, too, that he is not saying that.

He has been saying that this committee does not recognize the first amendment.

Mr. FAULKNER. The witness said the committee does not recognize the first amendment because he has not had the opportunity of having those rights accepted by the committee.

Senator DODD. I don't know what you have been whispering about down there, but I don't think there has been a question asked yet that he hasn't had a conference with you before he answered it.

Mr. FAULKNER. You wouldn't indicate that he has not the right to discuss it with me?

Senator DODD. No, we are happy to have him. First of all, we want to have him silent, and not whispering or conferring while counsel is attempting to put a question.

Mr. SOURWINE. The committee recognizes your rights and every other person's rights under the first amendment. The committee's position, as I understand it, is that your rights under the first amendment do not permit you the right to refuse to answer this question.

For that reason, I have asked and the Chair has ordered that you answer the question as to whether you attended a meeting of the Fair Play for Cuba Committee on November 14, 1960, at the home of Jean Simmons Tussey.

Mr. KIRSCH. I must decline to answer that question under the constitutional rights of the fifth amendment; I cannot be compelled to answer against myself.

Mr. SOURWINE. Do you know Jean Simmons Tussey?

Mr. KIRSCH. I must decline to answer that on the grounds that it violates my rights of free speech and association.

Mr. SOURWINE. I ask that the witness be requested—that he be instructed to answer the question, notwithstanding his claim of the first amendment privilege.

Senator DODD. Yes, I instruct you to answer the question.

(Witness consults with counsel, 10 seconds.)

Mr. KIRSCH. Under the circumstances of this order, I must refuse to answer the question on the grounds that I can't be compelled to testify against myself.

Mr. SOURWINE. Isn't it true, Mr. Kirsch, that you did attend a meeting at the home of Jean Tussey on November 14, 1960, and that the purpose of this meeting, known to you at the time, was to apply to the New York office of the Fair Play for Cuba Committee for a chapter and an organizing committee in the Cleveland area?

Mr. KIRSCH. I must decline to answer that question on the constitutional right that I cannot be compelled to be a witness against myself.

Mr. SOURWINE. Didn't you attend a meeting of the committee on November 17, 1960?

Mr. KIRSCH. I must decline to answer that question on the grounds that I can't be compelled to be a witness against myself.

Mr. SOURWINE. Did you not, on that occasion, to wit November 17, 1960, give a report of the activities of the committee?

Mr. KIRSCH. I must decline to answer that question on the constitutional right that I can't be compelled to be a witness against myself.

Senator KEATING. Could you explain, Mr. Kirsch, what offense you think this might tend to incriminate you with regard to?

Mr. KIRSCH. Pardon me.

(Witness consults with counsel, 10 seconds.)

Mr. KIRSCH. With all due respect to the committee, I must again repeat that I am not obliged to be a witness against myself.

Senator KEATING. I understand that, and we accept that principle, of course, but you have answered, in answer to a series of these questions, that you fear that they might tend to incriminate you. What I'm seeking to find out is in what respect you feel they might tend to incriminate you, with regard to what offense they might tend to incriminate you?

Mr. KIRSCH. Excuse me.

(Witness consults with counsel, 5 seconds.)

Mr. KIRSCH. Yes, of course. I didn't say that it would incriminate me at all. I just said that I was standing on my constitutional right against bearing witness against myself, with no incrimination involved.

Mr. SOURWINE. Don't you understand, sir, that your fifth amendment privilege is a privilege not to give testimony which might form even a link in a chain to connect you with some offense?

Mr. KIRSCH. I also understand my constitutional rights of free speech and association, sir.

Senator KEATING. On which amendment are you basing your rights? The first or the fifth.

Mr. KIRSCH. The first and the fifth.

Senator KEATING. Counsel's question was with regard to the fifth.

Senator DODD. By the way, Senator Keating, I have instructed him to answer when he has objected on the grounds of the first amendment. Then he has resorted to the fifth amendment. This has been repeated here before you came into the hearing, several times.

Senator KEATING. When you rely on the fifth amendment, you must rely on the fact that your evidence might tend to incriminate you in some way.

Now, what I am seeking to find out is what offense it might tend to incriminate you for. I do not know whether you are talking about failure to register as a foreign agent, or whether you are talking about the Smith Act, or in what respect you feel it might tend to incriminate you.

Mr. KIRSCH. Pardon me.

(Witness consults with counsel, 13 seconds.)



Mr. KIRSCH. You are Senator Keating?

Senator KEATING. Yes.

Mr. KIRSCH. With all respect to you, sir, I must decline to answer that question, on the grounds that I would be compelled to be a witness against myself.

Mr. SOURWINE. Mr. Kirsch, you understand do you not, that the fifth amendment is not an absolute right of silence, and that in order to claim this privilege, you must honestly believe that a truthful answer to the question, if given, might tend to form at least a link in a chain to somehow connect you with some kind of a prosecution?

Mr. KIRSCH. Mr. Sourwine—

Mr. FAULKNER. Mr. Senator, if you will permit me, I think that there is a corollary to what Mr. Sourwine said, and I don't think that is entirely a complete explanation of the fifth amendment, because he knows as well as I do that the fifth amendment was not enacted only for the purpose of protecting the guilty, but also for protecting the innocent.

Mr. SOURWINE. Mr. Chairman, when I make a statement, I shall be willing to argue with counsel about it, but I asked the witness a question regarding his understanding of the fifth amendment. Under the circumstances, I think we are entitled to have the witness' understanding of that without argument from counsel.

Mr. FAULKNER. I think the witness should be allowed to give the full picture.

Senator DODD. Let us have the answer from the witness.

Mr. KIRSCH. Excuse me.

(Witness consults with counsel, 10 seconds.)

Mr. KIRSCH. I again decline to answer the question on the grounds that I can't be compelled to be a witness against myself, and that is all I may say at this time.

Mr. SOURWINE. I'll ask you this question.

Do you honestly feel that a truthful answer to the last question respecting the meeting at the home of Jean Tussey on November 14, 1960, would tend to form at least a link in a chain to incriminate you or to connect you in some way with a prosecution?

(Witness consults with counsel, 5 seconds.)

Mr. KIRSCH. I must use the amendment on my constitutional rights not to be compelled to be a witness against myself.

Mr. SOURWINE. Mr. Chairman, it is the opinion of this counsel that if the witness cannot say that he honestly fears that a truthful answer would tend to incriminate him or form at least a link in a chain to connect him with a prosecution, he does not have a right to claim the fifth amendment privilege.

Under the circumstances, I respectfully request that the Chair order the witness to answer the question.

Mr. KIRSCH. I decline—

Senator DODD. I think it is interesting that you decline before you are ordered to answer.

Mr. KIRSCH. I thought there was a question to answer when I said I was compelled to answer.

Senator DODD. The Chair orders you to answer the question.

Mr. KIRSCH. I must decline to answer that question on my constitutional rights that I cannot be compelled to be a witness against myself.

Mr. SOURWINE. Did you attend a meeting of the Fair Play for Cuba Committee on November 17, 1960, and did you then and there give a report of the activities of the committee?

Mr. KIRSCH. I must decline to answer that question on my constitutional rights of free speech and association.

Mr. SOURWINE. Do you honestly fear, Mr. Kirsch, that if you answered that question—

Senator KEATING. Wait a minute. That was on his grounds of free speech and association. I think the Chair should direct him to answer it.

Senator DODD. Yes; I think so, as well.

I must direct you to answer that question. It is not valid reason for refusing to answer.

Mr. KIRSCH. I must decline to answer that question on my constitutional rights that I can't be compelled to testify against myself.

Mr. SOURWINE. Mr. Kirsch, do you honestly fear that if you answered that question truthfully, your answer would tend to incriminate you, or form at least a link in a chain to connect you with some kind of a prosecution?

Mr. KIRSCH. On my constitutional rights, I decline to answer on the grounds that I cannot be compelled to be a witness against myself.

Senator DODD. Well, the Chair orders you to answer.

Mr. KIRSCH. Once again, I must take that constitutional privilege of not testifying against myself.

Sir, I asked to make a statement to this committee. If you are really interested in my thoughts, you would have let me make that statement.

Mr. SOURWINE. The committee hasn't asked you about your thoughts, Mr. Kirsch.

Senator DODD. We are trying to get some information that you have.

Go ahead, Mr. Sourwine.

Mr. SOURWINE. Mr. Kirsch, are you the same Kirsch who is a member of the executive committee and an organizer of the Cleveland branch of the Socialist Workers Party?

Mr. KIRSCH. I must decline, on the grounds that it violates my first amendment rights of free speech and association.

Senator DODD. Again, this first amendment claim that you make, the Chair rules, is not sufficient grounds for refusing to answer that question, and the Chair orders you to answer the question.

Mr. KIRSCH. I must misunderstand the first amendment. It is free speech and association, and it can mean only one thing.

Senator DODD. I think you do misunderstand it, and that is why I have ordered you to answer the question.

Mr. KIRSCH. I must decline on the constitutional grounds that I can't be compelled to be a witness against myself.

Mr. SOURWINE. Is it your understanding, Mr. Kirsch, that the fifth amendment is an alternative substitute available to you at your election in the event a first amendment privilege is denied?

Mr. KIRSCH. Excuse me.

(Witness consults with counsel.)

Mr. SOURWINE. Do you have to ask counsel what your understanding is?

Mr. KIRSCH. No, but I'm not an attorney, and I have stated that prior to this point.

Mr. FAULKNER. Without my client asking me with respect to that question, I, as an attorney, must say that I am completely at a loss to understand Mr. Sourwine's question.

Senator DODD. Very well.

What is the pending question, Mr. Sourwine?

Senator KEATING. I took the question to be that if the witness finds his privilege under the first amendment overruled, does he think that in every case, the fifth amendment is an alternative for the first amendment?

Mr. KIRSCH. Yes, when the occasion arises, I must use it.

Mr. SOURWINE. Under the circumstances, Mr. Chairman, I ask that the witness be ordered and directed to answer the question.

Mr. KIRSCH. The question, sir?

Mr. SOURWINE. The question is did you attend a meeting of the Fair Play for Cuba Committee on November 17, 1960, and did you, on that occasion, give a report of the activities of the committee?

Mr. KIRSCH. I must decline to answer that question on my constitutional rights that I cannot be compelled to be a witness against myself.

Senator DODD. Well, certainly, in view of your statement or refusal to state, rather, in answer to counsel's question, I think that it is absolutely required of the Chair that it order you to answer that question.

Mr. KIRSCH. I thought that was an order, sir.

Senator DODD. What?

Mr. FAULKNER. He said he thought it was an order, and that is when he used his privilege not to be compelled.

Senator DODD. I just want to make sure that the record is straight that you have been ordered to answer the question, and I shall say that you have refused to answer it.

Mr. KIRSCH. For the record, I must repeat that I decline to answer on my constitutional rights not to be a witness against myself.

Mr. SOURWINE. And the next question is, are you the same Kirsch who is a member of the executive committee and an organizer of the Cleveland branch of the Socialist Workers Party?

Mr. KIRSCH. I must decline to answer that question, on the grounds that I can't be compelled to be a witness against myself.

Senator KEATING. Do you think it would tend to incriminate you to say that you had some connection with the Socialist Workers' Party?

Mr. KIRSCH. I must likewise decline to answer that question on the constitutional grounds that I can't be compelled to be a witness against myself.

Mr. SOURWINE. Under the circumstances, Mr. Chairman, I ask that the witness be ordered and directed to answer the question.

Senator DODD. The Chair will order you to answer the question.

Mr. KIRSCH. Pardon me.

(Witness consults with counsel.)

Mr. KIRSCH. I must decline to answer on the constitutional grounds that I cannot be compelled to be a witness against myself.

Mr. SOURWINE. Were you told about a tour of Cuba in December 1960, or January 1961, to be held under the auspices of the Fair Play for Cuba Committee?

Mr. KIRSCH. I must decline to answer that question on the grounds that I cannot be compelled to be a witness against myself.



Mr. SOURWINE. Isn't it true that this tour was discussed at the meeting at the home of Jean Tussey on November 14, 1960?

Mr. KIRSCH. I must decline to answer that question on the constitutional grounds that I cannot be compelled to be a witness against myself.

Mr. SOURWINE. Mr. Kirsch, isn't it true that you attended this meeting at the Tussey home on November 14, 1960, and that you then and there stated that the Fair play for Cuba Committee was infiltrated by Communists, but that some of the Communist Party members had not paid their \$5 dues?

Mr. KIRSCH. I must decline to answer that question on my constitutional rights that I cannot be compelled to be a witness against myself.

Mr. SOURWINE. Will you give this subcommittee the information in your possession with respect to Communist infiltration of the Fair play for Cuba Committee?

Mr. KIRSCH. I must decline that on the first amendment rights of free speech and association.

Mr. SOURWINE. Mr. Chairman, this is not a sufficient claim of privilege. I ask that the witness be ordered and be directed to answer that question.

Senator DODD. The Chair will instruct you to answer the question.

Mr. KIRSCH. I must decline to answer that question on my constitutional grounds that I cannot be compelled to be a witness against myself.

Mr. SOURWINE. Are you the same Kirsch who has written for "The Militant," a publication of the Social Workers' Party?

Mr. KIRSCH. I didn't hear you, sir.

Mr. SOURWINE. Are you the same Kirsch who has written for "The Militant," a publication of the Social Workers' Party?

Mr. KIRSCH. I can't answer that question, or I decline to answer that question on my constitutional rights not to be a witness against myself.

Mr. SOURWINE. Specifically, Mr. Kirsch, did you write an article which appeared in the April 21, 1945, issue of "The Militant," criticizing the Communist Party in the Cleveland area as changing its line and not operating in the interests of the working class?

Mr. KIRSCH. I decline to answer that question on the constitutional right not to be compelled to be a witness against myself.

Mr. SOURWINE. Do you honestly believe, Mr. Kirsch, that a truthful answer to this question whether or not you wrote an article which appeared in the April 21, 1945, issue of "The Militant," would tend to incriminate you in any way or form even a link in a chain to connect you with a prosecution?

Mr. KIRSCH. It would, I believe, violate my right of free speech and association.

Senator KEATING. Is that the only ground on which you decline to answer?

Mr. KIRSCH. At this point; yes, sir.

Mr. SOURWINE. Under the circumstances, Mr. Chairman, I ask that the witness be ordered and directed to answer the question.

Senator DODD. I order you to answer the question.

Mr. KIRSCH. I decline to answer on my constitutional right not to be a witness against myself.

Mr. SOURWINE. How do you explain the coordination between the Communist Party and the Socialist Workers' Party in promoting the Fair Play for Cuba Committee?

Mr. KIRSCH. I must decline to answer that question on the constitutional grounds not to be compelled to be a witness against myself.

Mr. SOURWINE. Mr. Kirsch, are you a member of the Communist Party U.S.A.?

Mr. KIRSCH. Pardon me, sir.

(Witness consults with his counsel, 5 seconds.)

Mr. KIRSCH. I decline to answer that question on the grounds that I might be compelled to be a witness against myself.

Mr. SOURWINE. Are you at the present time under Communist discipline?

Mr. KIRSCH. Mr. Sourwine, is this a witch hunt?

Mr. SOURWINE. Questions are being asked by the subcommittee, Mr. Kirsch.

Mr. KIRSCH. I must decline to answer that question on my constitutional grounds not to be compelled to be a witness against myself.

Mr. SOURWINE. I'll tell you why the committee asked this question.

It appears to counsel that the answers you have given here are wholly compatible with the theory that you are, in fact, a Communist plant in the Socialist Workers' Party. I asked the question to determine whether this is true. If it is not true, I hope you will deny it.

Mr. FAULKNER. Is there a question?

Was that a statement or a question?

Mr. SOURWINE. It is intended to be a question.

Are you in fact a member of the Communist Party, U.S.A., and a Communist plant in the Socialist Workers Party?

(Witness consults with counsel, 3 seconds.)

Mr. KIRSCH. I must decline to answer that question on the grounds that you are forcing me to be compelled to be a witness against myself.

Mr. Sourwine, you don't really mean those things, do you?

Mr. SOURWINE. This question was asked in good faith with the hope of getting information for the committee.

Senator KEATING. You can easily negate it by denying it if it is not a fact, Mr. Kirsch.

Mr. SOURWINE. I have no more questions, Mr. Chairman, if you want to let the witness read his statement at this time.

Senator DODD. We have a rule, don't we, about statements?

Mr. SOURWINE. Statements are supposed to be submitted 24 hours in advance.

Senator DODD. The witness can read his statement and we shall—

Senator KEATING. How long is the statement?

Mr. KIRSCH. In the light of the questioning to date—

Senator DODD. I said how long is your statement?

Mr. KIRSCH. That statement is 10 minutes.

Senator DODD. That is several typewritten pages?

Mr. KIRSCH. Yes.

Senator DODD. Well, I guess we can hear it, and if it is objectionable under committee rules, then we can order it stricken.

Mr. KIRSCH. In view of the questions that were asked I won't read the statement at this time.

Senator DODD. You don't want to make any statement?

Mr. KIRSCH. That's right. May I ask, will there be a public hearing?

Senator DODD. We'll let you know about that.

Mr. KIRSCH. Well, do I wait or do I go back home?

Senator DODD. We'll let you know about that in time.

Mr. SOURWINE. We want the witness held under the subpoena just for the time being.

We'll be able to let you know later this afternoon, Mr. Kirsch.

Mr. KIRSCH. Thank you.

Senator DODD. Call your next witness.

Mr. SOURWINE. Mr. Tussey.

Senator DODD. Raise your right hand.

Do you solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. TUSSEY. I affirm it.

### TESTIMONY OF RICHARD B. TUSSEY

Senator DODD. Give your name and address, please.

Mr. TUSSEY. Richard B. Tussey, 3054 Euclid Heights Boulevard, Cleveland, Ohio.

Senator KEATING. The witness said he affirmed.

Senator DODD. Yes, I heard.

Senator KEATING. You do not take an oath?

Mr. TUSSEY. I affirmed it.

Senator KEATING. You have some conscientious objections to taking an oath.

Mr. TUSSEY. Yes, sir.

Senator KEATING. Are they of a religious character?

Mr. TUSSEY. I think they are, yes, sir.

Mr. SOURWINE. That address is in Cleveland Heights?

Mr. TUSSEY. Yes, sir.

Mr. SOURWINE. When and where were you born, sir?

I withdraw that question.

Are you accompanied by counsel?

Mr. TUSSEY. Yes, I am.

Senator DODD. Before you get into that, Counsel, I wonder just what the witness meant in answer to Senator Keating's question.

Senator KEATING. Yes, I think we should be careful to find that out fully.

Senator DODD. What precisely is your objection to taking an oath? (The witness consults with his counsel.)

Mr. TUSSEY. It is my religious belief, and I assert my right not to get into that.

Mr. SOURWINE. You are a member of a religious organization whose discipline precludes its members from taking an oath?

Mr. TUSSEY. I assert the same privilege of the first, not to get into my beliefs.

Mr. SOURWINE. Mr. Chairman, we have an interesting situation here, as raised by Senator Keating's question.

The witness certainly has a right to affirm rather than take the oath if he is a member—

Senator DODD. Wait a minute.



Mr. Witness, we can't have you talking with your attorney when committee counsel is addressing the committee, when we are trying to conduct an orderly proceeding here.

If you want to talk to your lawyer, say so. You can have all the time you want.

Senator KEATING. We should have the lawyer's name on the record.

Mr. DAY. My name is Jack G. Day, 1748 Standard Building, Cleveland, Ohio.

I am sorry, sir, I had given it outside. I thought that did it.

Mr. SOURWINE. The witness certainly has the right to decline to take an oath and to affirm it instead, if he is a member of a religious organization which, in its discipline, requires this of its members, or which has, as a part of its tenet, the belief that its members should not take an oath. But if this is to be the basis for the witness' choice to affirm instead of to swear, I think he should state to the committee that this is a fact.

I am not so clear, I'll tell the Chairman, whether the witness should be required or could be required to name the particular faith, but I think the fact that he does belong to an organization which so holds is a necessary foundation for his election to affirm rather than to swear.

Mr. TUSSEY. May I consult?

Senator DODD. Yes, go ahead.

(Witness consults with counsel.)

Mr. TUSSEY. I feel you have no right to get into the basis of my religious beliefs.

Mr. SOURWINE. May I ask this question? Do you offer your affirmation in place of the oath and without any intention to avoid the obligation that you are here taking to tell the truth, the whole truth, and nothing but the truth?

(Witness consults with counsel.)

Mr. TUSSEY. I certainly do intend it.

Mr. SOURWINE. When and where were you born?

Senator KEATING. Well, now, you say, "I certainly do intend it."

Do you understand that by your affirmation, you are committed in the same way as if you had taken an oath to tell the truth, the whole truth, and nothing but the truth?

Mr. TUSSEY. Yes, I understand.

Mr. SOURWINE. Mr. Tussey, when and where were you born?

(Witness consults with counsel.)

Mr. TUSSEY. Pittsburgh, Pa.

Mr. SOURWINE. And when?

Mr. TUSSEY. November 7, 1918.

Mr. SOURWINE. Are you married, sir?

Mr. TUSSEY. Yes.

Mr. SOURWINE. To the former Jean Yadrofsky, Y-a-d-r-o-f-s-k-y?

(Witness consults with counsel, 10 seconds.)

Mr. TUSSEY. I think I'll have to assert my privilege of self-incrimination, the fifth amendment of the Constitution.

Senator DODD. You mean it would incriminate you to tell whom you're married to?

Mr. TUSSEY. I assert my privilege against self-incrimination under the fifth amendment of the United States on grounds that the answer might tend to incriminate me.

Mr. SOURWINE. Are you the same Richard Tussey who was formerly national representative of the Mechanics Educational Society of America, often known as MESA, of the AFL-CIO?

(Witness consults with counsel, 5 seconds.)

Senator DODD. Mr. Witness, if you want to confer with your lawyer, please state so and we can have some order here.

Mr. TUSSEY. I'm sorry, sir. I thought that the minute he was through I had the right to confer. I assert my privilege against self-incrimination under the fifth amendment of the U.S. Constitution, on the grounds that the answer might tend to incriminate me.

Mr. SOURWINE. Are you presently an official of local No. 72 of MESA in Cleveland, Ohio?

Mr. TUSSEY. I assert my privilege under the fifth amendment.

Senator KEATING. Is this organization affiliated with the AFL-CIO, counsel?

Mr. SOURWINE. MESA is so affiliated, sir.

Senator KEATING. You mean, Mr. Witness, that if you gave a truthful answer to the question whether you were connected with a union affiliated with the AFL-CIO, that that might tend to incriminate you?

Mr. TUSSEY. Just a moment.

(Witness consults with counsel, 7 seconds.)

Mr. TUSSEY. I assert my privilege against self-incrimination under the fifth amendment of the U.S. Constitution, on the grounds that the answer might tend to incriminate me.

Mr. SOURWINE. Mr. Chairman, it is conceivable that the witness has been properly claiming his privilege. It has been reported to this committee that this witness was separated from his union activities because of his activities with the Fair Play for Cuba Committee, specifically with his use of union headquarters for the Fair Play for Cuba Committee work.

Senator KEATING. The information that you have is that he is not now a member?

Mr. SOURWINE. That is correct.

Senator KEATING. I see. I could not quite see how it could incriminate anybody.

In fairness also to the AFL-CIO, I can't see how it would incriminate anybody to hold a union office.

Mr. SOURWINE. There is a difference between this witness and others, where you could not conceive of a possible chain which might lead to any incrimination.

Mr. TUSSEY, were you one of the organizers of the Fair Play for Cuba Committee?

Senator DODD. Mr. Witness, will you answer and pay attention so that we can conduct our hearing?

Mr. TUSSEY. Just a moment.

(Witness consults with counsel.)

Mr. TUSSEY. I assert my privilege against self-incrimination under the fifth amendment.

Mr. SOURWINE. Isn't it true, Mr. Tussey, that you helped organize the Fair Play for Cuba Committee in Cleveland?

Mr. TUSSEY. I assert my privilege against self-incrimination under the fifth amendment.

Mr. SOURWINE. Isn't it true that you are presently a member of the national committee of the Fair Play for Cuba Committee?

Mr. TUSSEY. I assert my privilege against self-incrimination under the first amendment of the United States Constitution on the grounds that the answer might tend to incriminate me.

Mr. SOURWINE. Mr. Tussey, will you tell us the address of the Fair Play for Cuba Committee, Cleveland chapter?

(Witness consults with counsel.)

Mr. DAY. Do you want us to state it for the record each time?

Senator DODD. If the witness will say something so that we will have some order here.

Mr. DAY. For the record, each time you consult with me indicate that you are doing it.

(Witness consults with counsel, 10 seconds.)

Mr. TUSSEY. I assert my privilege against self-incrimination under the fifth amendment.

Mr. SOURWINE. Mr. Tussey, will you tell us the affiliation, if any, of the Fair Play for Cuba Committee with the Institute for Improvement of Inter-American Relations?

Mr. TUSSEY. I assert my privilege against self-incrimination under the fifth.

Mr. SOURWINE. Isn't it a fact that you are presently chairman of the Fair Play for Cuba Committee in Cleveland, Ohio?

Mr. TUSSEY. I assert the privilege under the fifth.

Mr. SOURWINE. It has been stated by Richard Gibson, acting executive secretary of the Fair Play for Cuba Committee, that the Fair Play for Cuba Committee has a strong local chapter in Cleveland. Is this true?

Mr. TUSSEY. I assert the privilege of self-incrimination under the fifth.

Mr. SOURWINE. Mr. Tussey, who maintains the records of the Cleveland chapter of the Fair Play for Cuba Committee?

Mr. TUSSEY. I assert my privilege against self-incrimination under the fifth amendment of the United States Constitution.

Mr. SOURWINE. Mr. Tussey, have you ever visited Cuba?

Mr. TUSSEY. I assert my privilege against self-incrimination under the fifth.

Mr. SOURWINE. Mr. Chairman, it might well be that on another occasion, as the Supreme Court has pointed out, there is always a possibility that this witness, while recalcitrant today, might testify, but it does not appear that we are going to get very much information out of the witness today in regard to the questions to which the committee wants answers, or can the witness be held over for a session tomorrow?

Senator DODD. There is one question I would like to ask.

Mr. Witness, are you a member of the Communist Party of the U.S.A.?

Mr. TUSSEY. I assert the fifth.

Senator DODD. You what?

Mr. TUSSEY. I assert my privilege under the fifth amendment, that my answer might tend to incriminate me.

Senator DODD. Do you have any questions, Senator Keating?

(Senator Keating shakes head negatively.)



Senator DODD. I think that there is no need at this hour to go further with the questioning.

Mr. Witness, you will remain under subpoena. We shall have to tell you a little later. By that, I mean don't leave the premises. We'll want you back.

Mr. DAY. Mr. Chairman, I represent three. May I know who the next one is, so that I may get out or stay here?

Mr. SOURWINE. I see no objection to calling this man's clients.

Who are your clients, sir?

Mr. DAY. Mrs. Tussey and Mr. Levey.

Mr. SOURWINE. Call Mrs. Tussey.

Senator DODD. Will you raise your right hand?

Stand and raise your right hand. Do you solemnly swear that the testimony you are about to give before this subcommittee is the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. TUSSEY. I do.

### TESTIMONY OF JEAN TUSSEY

Senator DODD. Give your full name and address, please.

Mrs. TUSSEY. Jean Tussey, 3056 Euclid Heights, Cleveland Heights, Ohio.

Mr. SOURWINE. When and where were you born, Mrs. Tussey?

Mr. DAY. Excuse me, sir. May I tell the witness what the rule is?

The rule is, Mrs. Tussey, before you consult with counsel, you should indicate for the record before you give any answer on which you wish to consult with counsel that you are doing so.

Senator DODD. Let me explain why. There is no objection whatever to your consulting with your lawyer. We only ask that we have some order here. If you want to talk to your lawyer just say so, and we shall wait for you to talk to him.

Mr. SOURWINE. We have had instances where the witness, or where counsel was constantly whispering to the witness and the witness couldn't hear the questions.

Mrs. TUSSEY. May I consult with my counsel?

Senator DODD. You don't have to ask for permission. Just tell us when you're doing it.

Mrs. TUSSEY. The question was?

Mr. SOURWINE. When and where were you born?

Mrs. TUSSEY. March 9, 1918, at Lambertville, N.J.

May I ask a question before proceeding? I would like to know why I am here.

Mr. SOURWINE. Yes.

Mrs. TUSSEY. And what purpose my being here serves for the committee?

Mr. SOURWINE. The committee is under mandate from the Senate to conduct a continuing investigation of the activities of subversive organizations, including the Communist Party, including all of the party's fronts, including infiltrated organizations, including Communist propaganda—the whole area—for the purpose of determining from time to time and currently what legislation, if any, can be recommended to meet the various facets of the Communist threat to the security of the United States.

The committee has a great deal of information that the Fair Play for Cuba Committee is infiltrated by Communists, is in some instances under Communist control; that the Fair Play for Cuba Committee was kicked off, so to speak, with a substantial amount of money provided by the Communist government of Cuba.

The committee has information that the Fair Play for Cuba Committee is serving as a basis for recruitment of youth into the Communist Party. The committee has information that you have been active in the Fair Play for Cuba Committee in the Cleveland area, and, therefore, you are presumed to have information respecting this committee which will be helpful to the committee if we can secure it from you.

This is why you have been called.

Mrs. TUSSEY. Thank you.

Mr. SOURWINE. What was your maiden name, Mrs. Tussey?

Mrs. TUSSEY. I would like to refer to my attorney.

(Witness consults with counsel, 20 seconds.)

Mrs. TUSSEY. I wish to assert the privilege against self-incrimination under the fifth amendment of the Constitution of the United States.

Mr. SOURWINE. Weren't you born Jean Yadrofsky, Y-a-d-r-o-f-s-k-y?

Mrs. TUSSEY. I wish to assert the fifth.

Mr. SOURWINE. When and where were you married?

Mrs. TUSSEY. I wish to assert my privilege under the fifth amendment of the Constitution against self-incrimination.

Mr. SOURWINE. Are you presently the wife of Richard Benjamin Tussey?

Mrs. TUSSEY. May I take a moment?

(Witness consults with counsel for 10 seconds.)

Mrs. TUSSEY. I wish to assert my privilege under the fifth amendment.

Mr. SOURWINE. Are you presently the wife of Richard Tussey?

(Witness consults with counsel, 5 seconds.)

Mrs. TUSSEY. I assert my privilege under the fifth amendment against self-incrimination.

Mr. SOURWINE. You are a married woman, are you not, Mrs. Tussey?

Mrs. TUSSEY. Yes.

Mr. SOURWINE. You gave us the name as Mrs. Tussey. That means you have a husband?

Mrs. TUSSEY. Did I give my name as Mrs. Tussey?

Mr. SOURWINE. Didn't you?

Mrs. TUSSEY. I thought I gave my name as Jean Tussey.

Mr. SOURWINE. You are a married woman?

Mrs. TUSSEY. Yes.

Mr. SOURWINE. That means you have a husband, do you not?

Mrs. TUSSEY. Yes.

Mr. SOURWINE. What is your husband's name?

(Witness consults with counsel, 10 seconds.)

Mrs. TUSSEY. I wish to assert the privilege of the fifth amendment against self-incrimination.

Mr. SOURWINE. You are a graduate of the New Jersey College for Women?

(Witness consults with counsel, 20 seconds.)

Mrs. TUSSEY. Yes, I am a graduate of the New Jersey College for Women.

Mr. SOURWINE. You majored in journalism?

Mrs. TUSSEY. That is correct.

Mr. SOURWINE. What is your present employment?

Mrs. TUSSEY. I must ask for permission from him.

(Witness consults with counsel, 20 seconds.)

Mrs. TUSSEY. I assert the privilege under the fifth amendment.

Mr. SOURWINE. Well, as a matter of fact, you are a proofreader for the Cleveland Plain Dealer, aren't you?

Mrs. TUSSEY. I assert the privilege.

Senator KEATING. You think it might incriminate you to be identified with the Cleveland Plain Dealer?

Senator DODD. That will be interesting reading in the record.

(Witness consults with counsel, 5 seconds.)

Mrs. TUSSEY. I assert the privilege of the fifth amendment.

Mr. SOURWINE. When did you graduate from the New Jersey College for Women?

Mrs. TUSSEY. I'm trying to recall. I believe it was 1938.

Mr. SOURWINE. Before your present employment, were you employed by W. S. Gilskey Co., of 1138 West 9th Street?

Mrs. TUSSEY. I must take a moment.

(Witness consults with counsel, 10 seconds.)

Mrs. TUSSEY. I assert the privilege under the fifth amendment of the Constitution.

Mr. SOURWINE. Were you also formerly employed by Lezus Hiles Co., Chester Avenue and East 61st Street?

Mrs. TUSSEY. I assert the privilege under the fifth amendment.

Mr. SOURWINE. Are you presently connected with the Cleveland chapter of the Fair Play for Cuba Committee?

Mrs. TUSSEY. I assert the privilege under the fifth amendment of the Constitution.

Mr. SOURWINE. What part did you play in October 1960, and subsequently, in persuading individuals to join the tour to Cuba under the auspices of the Cleveland chapter of the Fair Play for Cuba Committee?

Mrs. TUSSEY. I assert my privileges under the fifth amendment of the U.S. Constitution.

Senator DODD. I think we might as well—

Mr. SOURWINE. I would agree with the chairman. It appears that today we are not going to get useful answers from the witness. There was always hope, as the Supreme Court pointed out, that another day she may choose to answer.

Senator DODD. Mrs. Tussey, are you a member of the Communist Party U.S.A.?

Mrs. TUSSEY. I assert my privilege.

Senator DODD. We are going to excuse you now. You are still under subpoena. We ask you to wait outside.

Mr. SOURWINE. Mr. Levey is your next witness?

Mr. DAY. Yes.

Mr. SOURWINE. Bring Mr. Levey in.

Senator DODD. Raise your right hand.



Do you solemnly swear that the testimony you will give before this subcommittee will be the truth, the whole truth and nothing but the truth, so help you, God?

Mr. LEVEY. I do.

### TESTIMONY OF MAX LAWRENCE LEVEY

Mr. SOURWINE. Your counsel is Mr. Day?

Mr. LEVEY. That is correct.

Mr. SOURWINE. What is your full name?

Mr. LEVEY. Max Lawrence Levey.

Mr. SOURWINE. Is that L-a-w-r-e-n-c-e?

Mr. LEVEY. L-a-w-r-e-n-c-e, yes.

Mr. SOURWINE. And your address?

Mr. LEVEY. It is a different address than I believe the committee has. It is 1845 Cliffview, C-l-i-f-f-v-i-e-w—all one word—Road, Cleveland 12.

Mr. SOURWINE. You formerly resided at 2537 Nobel Road, Cleveland Heights?

Mr. LEVEY. Yes.

Mr. SOURWINE. You moved to your present address recently?

Mr. LEVEY. Something like 2 or 3 months ago.

Mr. SOURWINE. When and where were you born, Mr. Levey?

Mr. LEVEY. In Cleveland, Ohio, July 1, 1927.

Mr. SOURWINE. You are then an American citizen by birth?

Mr. LEVEY. I am, sir.

Mr. SOURWINE. Are you married?

Mr. LEVEY. Single.

Mr. SOURWINE. Have you ever been married?

Mr. LEVEY. No, sir.

Mr. SOURWINE. Where are you employed?

Mr. LEVEY. I am not presently employed.

Mr. SOURWINE. Are you the same Max Levey formerly employed by the Vokes Ohio Corp. at 214 Scranton?

Mr. LEVEY. Yes.

Mr. SOURWINE. You were employed there as a salesman?

Mr. LEVEY. Yes.

Mr. SOURWINE. Is that your business or profession, that of a salesman?

Mr. LEVEY. May I consult my counsel?

(Consults counsel 5 seconds.)

Mr. LEVEY. Would you repeat the previous question?

Mr. SOURWINE. The last question was if your business or profession is that of salesman?

Mr. LEVEY. Yes, I am a salesman. I lost my job upon receiving the subpoena from the committee.

Mr. SOURWINE. You mean you were discharged because you were subpoenaed by this committee?

Mr. LEVEY. That is correct, sir.

Mr. SOURWINE. Were you told that this was the reason?

(Consults counsel.)

Mr. SOURWINE. Who told you this?

Mr. LEVEY. My employers.

Mr. SOURWINE. Who specifically?

(Consults counsel 25 seconds.)

Mr. LEVEY. Sir, my employer mentioned to me that if their name was mentioned in the testimony, that I would be—because they have heard of their name being mentioned in relation to the committee was the reason for my dismissal.

Mr. SOURWINE. Let's get two things clear, but first, who specifically told you this?

Mr. LEVEY. The president of the firm, Mr. A. V. Simon, S-i-m-o-n.

Mr. SOURWINE. Now, do you consider that you are presently not employed by that company?

Mr. LEVEY. I do, sir.

Mr. SOURWINE. Do you consider that you were employed by that company up until the moment when the name of that company was brought into this hearing record?

Mr. LEVEY. Until—oh, no.

Mr. SOURWINE. You were discharged upon receipt of the subpoena, then, after word of it reached your employer?

Mr. LEVEY. I volunteered the information to my employer.

Mr. SOURWINE. That you had been subpoenaed?

Mr. LEVEY. That is correct.

Mr. SOURWINE. And he then discharged you?

Mr. LEVEY. That is correct.

Mr. SOURWINE. Because of fear that his name would be brought into this hearing?

Mr. LEVEY. That is correct.

Senator DODD. What kind of a business is this?

Mr. LEVEY. The firm are general contractors and steel fabricators.

Mr. SOURWINE. Mr. Levey, there is no approbrium connected with being subpoenaed for this committee. I think the committee might be willing to go to bat for you for whatever it might be worth with any employer that would discharge a witness because he was subpoenaed by this subcommittee. A witness is called by the subcommittee because the committee has reason to believe that the witness has information that will be helpful to the committee in its investigations. Cabinet officers, the head of the FBI, the assistant head of the CIA—many people of note and repute, spotless and unsmirched reputations have appeared before this committee as witnesses. The fact that a man is called here does not in and of itself carry any onus at all.

You did not resign, you were discharged?

Mr. LEVEY. That is correct, sir.

Mr. SOURWINE. And you were told that you were being discharged because you had been subpoenaed to appear before this subcommittee, is that right?

(Consults counsel 18 seconds.)

Mr. LEVEY. Mr. Counsel—

Mr. SOURWINE. I see your counsel is pulling at your sleeve.

Mr. DAY. May I say that the way the thing is handled, is that you ask permission or indicate that you want to talk to your counsel.

Mr. SOURWINE. I will say that we don't mean to be restrictive on you, but the usual rule is that consultation with counsel is the witness' prerogative. Counsel should not grab his sleeve or try to indicate what he should or should not say.

Senator DODD. You do not have to ask permission. I have said this several times. All you have to do is tell us when you want to talk to counsel and this is so that we may maintain order in the conduct of this hearing and that is the only reason.

Mr. LEVEY. May I consult with my counsel?

Senator DODD. Yes, don't ask me if you may. You can say that you want to.

(Witness consults with counsel 10 seconds.)

Mr. LEVEY. I would like to make it clear, sir, that my employer did not fire me exactly upon receipt of the subpoena or my making my employer aware of the receipt of the subpoena, that my employer, upon further consultation, decided that his reputation and the reputation of the company was endangered by my appearance here and by the possible publicity therein.

Mr. SOURWINE. Are you trying to tell us, or perhaps implying, or intending to convey to us the idea that because of this subpoena, your employer learned of your connection with the Fair Play for Cuba Committee and didn't want to be associated with publicity in that connection?

Mr. LEVEY. The publicity that my employer feared was the simple publicity that someone with any type of questionable character would be a part of their organization, and the chances that are taken therein in relations with customers and what have you.

Mr. SOURWINE. That was not my question. I am trying to find out if it is your understanding that your employer felt that the mere fact of your having been asked to appear here and testify implied that you were of a questionable character or that there was some danger to his organization of being connected with the testimony?

Mr. LEVEY. I am really afraid, sir, that is something only my employer would know.

Mr. SOURWINE. Do you know if he had learned of your connection with the Fair Play for Cuba Committee before you had been discharged?

Mr. LEVEY. I am going to consult my counsel on that.

(Consults counsel 20 seconds.)

Mr. LEVEY. May I ask for the question to be repeated? I have a little question on it.

Mr. SOURWINE. I asked whether you knew if your employer had learned of your connection with the Fair Play for Cuba Committee before he discharged you?

Mr. LEVEY. May I say this, that I have no connection with the Fair Play for Cuba Committee. I did mention any activities that I had to my employer and he was aware of my activities.

Mr. SOURWINE. Well, what activities?

Mr. LEVEY. That I was active with the Committee for a Sane Nuclear Policy.

Mr. SOURWINE. And what else?

Mr. LEVEY. That I was active with the Americans for Democratic Action.

Mr. SOURWINE. And what else.

Mr. LEVEY. That is the extent of it, sir.

Mr. SOURWINE. And on the basis of those two associations, your employer fired you? That is your understanding?



Mr. LEVEY. To the best of my understanding, my employer fired me because of the possibility of adverse effect on his business through my being called before a congressional committee.

Mr. SOURWINE. Have you ever been connected with the American Forum of Socialist Education?

Mr. LEVEY. Connected with. I had better consult counsel.  
(Consults counsel 40 seconds.)

Mr. LEVEY. I have no formal connections with the aforementioned committee.

Mr. SOURWINE. Did you attend a meeting of the American Forum of Socialist Education at the YMCA in Cleveland on October 15, 1957?

Mr. LEVEY. I am going to consult counsel.  
(Consults counsel 10 seconds.)

Mr. LEVEY. I did sir.

Mr. SOURWINE. Who called that meeting?

Mr. LEVEY. May I add this, sir, that I wasn't aware of any name to the organization at that point.

Mr. SOURWINE. How did you come to go to this meeting?

Mr. LEVEY. I was invited to attend.

Mr. SOURWINE. Do you remember who invited you?

Mr. LEVEY. I am going to consult counsel.  
(Consults counsel 1 minute, 12 seconds.)

Mr. LEVEY. I would like to assert my privilege against self-incrimination under the fifth amendment of the U.S. Constitution.

Mr. SOURWINE. Mr. Levey, do you remember the occasion when six individuals went on trial for offenses connected with the so-called non-Communist affidavits under the Taft-Hartley law?

Mr. LEVEY. Am I aware of what?

Mr. SOURWINE. Do you remember the occasion when six individuals went on trial for offenses connected with the so-called non-Communist affidavits under the Taft-Hartley law?

Mr. LEVEY. I will consult counsel.  
(Consults counsel 8 seconds.)

Mr. LEVEY. I was aware, sir, that there was a trial of that nature.

Mr. SOURWINE. Did you attend that trial as an observer?

Mr. LEVEY. I am going to consult counsel.  
(Consults counsel 35 seconds.)

Mr. LEVEY. I recollect, sir, that I did attend 1 day for a very short period when I was in the downtown area.

Mr. SOURWINE. Did you attend as an observer for any organization or individual?

Mr. LEVEY. I did not, sir.

Mr. SOURWINE. Are you connected in any way with the Fair Play for Cuba Committee?

Mr. LEVEY. I am not, sir.

Mr. SOURWINE. Or its chapter in Cleveland?

Mr. LEVEY. I am not, sir.

Mr. SOURWINE. Have you attended any meetings of the Fair Play for Cuba Committee?

Mr. LEVEY. I am going to consult my counsel.  
(Consults counsel 20 seconds.)

Mr. LEVEY. I assert my privilege against self-incrimination under the fifth amendment of the U.S. Constitution.

Senator KEATING. When you said you were not connected, did you mean that you are not an officer of that organization?

Mr. LEVEY. No, sir, I meant I was not connected in any way with the committee.

Senator KEATING. Well, you are connected in some way if you attend a meeting. Can't you tell us whether you did, in fact, attend that meeting?

Mr. LEVEY. I must consult counsel.

(Consults counsel 10 seconds.)

Mr. LEVEY. I deny that mere attendance entails connection. However, I assert my privilege against self-incrimination under the fifth amendment.

Mr. SOURWINE. Mr. Levey, were you a member of the Ohio Committee To Secure Justice in the Rosenberg Case?

Mr. LEVEY. I was not, sir.

Senator KEATING. Were you ever connected with the Rosenberg Committee?

Mr. LEVEY. I was not, sir.

Senator KEATING. Were you ever connected with the American Committee for the Protection of the Foreign Born?

Mr. LEVEY. I was not, sir.

Mr. SOURWINE. Did you on March 8, 1952, attend a Rosenberg defense meeting in the Sterling Hotel in Cleveland, Ohio, under the sponsorship of the American Committee for the Protection of the Foreign Born?

Mr. LEVEY. I must consult counsel.

(Consults counsel 20 seconds.)

Mr. LEVEY. I assert my privilege against self-incrimination under the fifth amendment of the U.S. Constitution.

Mr. SOURWINE. Mr. Levey, were you ever connected with the Excel, E-x-c-e-l, Movie Products?

Mr. LEVEY. Would you repeat that name, sir?

Mr. SOURWINE. Excel Movie Products.

Mr. LEVEY. Excel Movie Products.

I am going to consult counsel.

(Consults counsel 7 seconds.)

Mr. LEVEY. I am sorry, sir, I have never heard of the organization.

Mr. SOURWINE. You are not the Max Levey who was at one time head of the Excel Movie Products, a firm manufacturing toys and home movie projectors and cartoon films and distributing film?

Mr. LEVEY. No, sir, I am not that Max Levey.

Senator DODD. Are you connected with any company engaged in this line of activity?

Mr. LEVEY. No, sir.

Mr. SOURWINE. Mr. Chairman, I have no more questions of this witness. I will say for the record and for the benefit of witness and counsel that there is a possibility of a mistake of identity. There is a Max Levey who was so connected.

There is a Max Levey who was connected with the American Society for the Protection for the Foreign Born and with the Committee To Secure Justice in the Rosenberg case. The purpose of these questions was not to establish that you were he, but to establish whether you were this man.

I have no more questions of this witness at this time, Mr. Chairman.

Senator KEATING. I would feel that in fairness, this committee should communicate with his employer, were it not for the fact—and there could be a case of mistaken identity—were it not for the fact that the witness has claimed his privilege and has asserted that some answers might tend to incriminate him as to some of these affairs. I can't understand that, if he simply attended a meeting or two of the Fair Play for Cuba Committee. A good many well-meaning patriotic citizens were sucked in on that in the beginning. If that is the case for this witness, I think it would be regrettable to have his economic status impaired by being called before this committee.

I wonder if, on reflection, he wants to insist on continuing his claim of privilege.

Mr. LEVEY. I must consult counsel and I thank the gentleman for the remarks.

(Consults counsel 1 minute, 12 seconds.)

Mr. LEVEY. May I say this to the committee, very briefly, that I am at any time willing to testify concerning myself on any question, attendance of meetings included, but that for the reasons of self-incrimination, I would not want to testify about anyone else's involvement, remote or otherwise, at such meetings.

Mr. SOURWINE. Mr. Chairman, there is a slight non sequitur here in that it would be very difficult to incriminate a man on such testimony, but I wouldn't want to press it under the circumstances.

Senator KEATING. Do you know Mr. Tussey?

Mr. LEVEY. I want to consult my lawyer.

(Consults 10 seconds.)

Mr. LEVEY. I assert my privilege against self-incrimination under the fifth amendment.

Senator DODD. Do you know Mrs. Tussey?

Mr. LEVEY. Sir, I would assert the same privilege.

Senator KEATING. Are you a member of the Communist Party?

Mr. LEVEY. I am not a member of the Communist Party.

Senator KEATING. Have you ever been a member of the Communist Party?

Mr. LEVEY. I have never been a member of the Communist Party.

Senator KEATING. Have you ever been a member of a Communist front organization, to your knowledge?

Mr. LEVEY. I must consult with my attorney.

(Consults counsel 25 seconds.)

Mr. LEVEY. To my knowledge, I have never been a member of any Communist front organization.

Mr. SOURWINE. Mr. Chairman, I have no more questions of this witness today.

Senator DODD. All right, I think, Mr. Levey, that we will want you back in the morning.

Mr. SOURWINE. May this be the same order on the other witnesses, Mr. Chairman?

Senator DODD. Yes, what time.

(Discussion off the record.)

Senator DODD. Let's make it 11. The best we can tell now, we think that is the time.



As a matter of fact, why don't we do this? Why don't we suggest that Mr. Levey come by at, say, 10, and be available? Will that be acceptable to you?

Senator KEATING. Yes, sure.

Senator DODD. Because there might be something else that will come up overnight.

Mr. DAY. May I inquire, Mr. Chairman, whether you will want the other two at 10 or 11?

Senator DODD. What would you say, Mr. Sourwine?

Mr. SOURWINE. I don't want to do anything to inconvenience either you or Senator Keating. I think we have about 3 hours of testimony tomorrow morning. You could go over to another hearing and leave this hearing to continue. Senator Keating can't be there until 11.

Senator KEATING. I might make it by 10:30. This hearing is quite important, the one I have at 10.

(Discussion off the record.)

Senator DODD. I think we had better leave it that you be here at 10 and the other witnesses, also.

Mr. SOURWINE. Ten o'clock.

Mr. DAY. For all three, sir?

Senator DODD. Yes.

Mr. SOURWINE. That will be in this room out here, and the same instructions to the first witness we had today, who is waiting out there, Mr. Kirsch.

We have one more witness this afternoon.

Senator DODD. Raise your right hand.

Do you solemnly swear that the testimony you will give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TEKLA. I do affirm.

### TESTIMONY OF TAD TEKLA

Senator DODD. Give your name and address, please.

Mr. TEKLA. Tad Tekla.

Mr. SOURWINE. And your address, Mr. Tekla?

Mr. TEKLA. 1401 Mayfair, Cleveland, Ohio.

Senator KEATING. Mr. Chairman, the witness said he affirmed rather than swear.

You have some religious reason for not taking an oath, do you?

Mr. TEKLA. Senator Keating, I met you at the CPS camp at Big Flats, N.Y., in 1946. I was there because I am a pacifist.

Senator KEATING. You are a pacifist?

Mr. TEKLA. That is right.

Senator KEATING. And under the principles of your organization, you are opposed to taking an oath, is that correct?

Mr. TEKLA. That is right. We don't swear in polite society. We affirm.

Senator KEATING. Pacifists affirm rather than swearing?

Mr. TEKLA. That is right.

Mr. SOURWINE. Mr. Tekla, when and where were you born?

Mr. TEKLA. Cleveland, Ohio, June 1913.

Mr. SOURWINE. What other names have you used or been known by?

Mr. TEKLA. My official name is Ladislaus Dolista, D-o-l-i-s-t-a. Tad Tekla is my pseudonym because I do some writing.

Mr. SOURWINE. Mr. Tekla, what connection, if any, have you had with the Fair Play for Cuba Committee in the Cleveland area?

Mr. TEKLA. I knew you would ask that question. I attended two meetings of the committee, one at which a William Worthy, a colored man, and the other at which my friend, David Dellinger, a pacifist, spoke.

Mr. SOURWINE. Are you a member of the Cleveland chapter of the Fair Play For Cuba Committee?

Mr. TEKLA. I am not.

Mr. SOURWINE. You had no part in forming this chapter?

Mr. TEKLA. No, sir.

Mr. SOURWINE. Do you know Jean Tussey?

Mr. TEKLA. Yes, sir.

Mr. SOURWINE. Do you know of her connection with the Cleveland chapter of the Fair Play for Cuba Committee?

Mr. TEKLA. I know only that she is the wife of the former chairman of the Cleveland Fair Play Committee.

Mr. SOURWINE. That is Richard Tussey?

Mr. TEKLA. That is right. I understand he is no longer the chairman.

Mr. SOURWINE. Who succeeded him?

Mr. TEKLA. That I don't know.

Mr. SOURWINE. Are you the same Tekla who was circulation manager of Fight, a magazine issued by the American League Against War and Fascism?

Mr. TEKLA. I will modify that to say I was local circulation manager in 1935.

Mr. SOURWINE. Are you still connected with the American League Against War and Fascism?

Mr. TEKLA. I do believe the organization is defunct. I have not been connected for many, many moons.

Mr. SOURWINE. Did you know that organization had been cited by the Attorney General as a subversive organization?

Mr. TEKLA. Yes, subsequently.

Mr. SOURWINE. Are you aware of the cooperation between members of the Communist Party and members of the Socialist Party in promoting the Fair Play for Cuba Committee?

Mr. TEKLA. Would you mind repeating that?

Mr. SOURWINE. I am asking you if you are aware of the cooperation between members of the Communist Party and members of the Socialist Party in promoting the Fair Play for Cuba Committee?

Mr. TEKLA. No, sir.

Senator DODD. Socialist Workers Party?

Senator KEATING. Isn't that called the Socialist Workers Party?

Mr. TEKLA. That is why I answered no. If you had said Socialist Workers Party, I would have said yes.

Mr. SOURWINE. You are aware of that?

Mr. TEKLA. Socialist Workers Party, yes.

Mr. SOURWINE. How do you account for that cooperation?

Mr. TEKLA. I am in no position to answer that. You will have to ask them.

Senator KEATING. Let me interrupt. You are not a member of the Communist Party?

Mr. TEKLA. I am not and have never been a member of the Communist Party.

Senator KEATING. And you are not a member of the Socialist Workers Party?

Mr. TEKLA. I am not and never have been a member of the Socialist Workers Party.

Senator KEATING. Do you know Herman Kirsch, Mr. Tekla?

Mr. TEKLA. I know Herman Kirsch by name. I don't know him more than having been introduced to him, if I ever was introduced to him.

Senator KEATING. You know Richard and Jean Tussey, of course?

Mr. TEKLA. I know them quite well.

Senator KEATING. Do you know Max Levey?

Mr. TEKLA. I knew you would ask that question and I have had some cogitation on that. I think I met Max Levey first when we both attended a hot jazz class at Cleveland College. I am not sure that I met him then. I know that I was introduced to him about 2 years ago. Outside of that, I have had nothing to do with him. He is a friend of a mutual friend.

Senator KEATING. Do you know Sam Pollock?

Mr. TEKLA. I have met Sam Pollock. I don't know him very well.

Senator KEATING. Did you ever attend a closed meeting with Sam Pollock, Richard Tussey, and Max Levey?

Mr. TEKLA. I attended what I would consider an open meeting with those gentlemen.

Senator KEATING. Specifically, did you attend a meeting at the Nash Room of the YMCA in Cleveland, Ohio?

Mr. TEKLA. Yes.

Senator KEATING. On April 8, 1957?

Mr. TEKLA. That is the meeting.

Senator KEATING. At which these three men were present?

Mr. TEKLA. That is right.

Senator KEATING. What was the purpose of that meeting?

Mr. TEKLA. We had hoped to set up a Cleveland affiliate of a national organization called the American Forum. This never materialized.

Senator KEATING. Was there anyone else at that meeting?

Mr. TEKLA. Yes, my friend was there.

Senator KEATING. Who was that?

Mr. TEKLA. Ed Spira, S-p-i-r-a.

Senator KEATING. And anyone else?

Mr. TEKLA. Yes, Sergeant Ungvary of the Cleveland subversive squad.

Senator KEATING. How does he spell his name?

Mr. TEKLA. U-n-g-v-a-r-y. And one assistant whose name escapes me.

Senator KEATING. And anyone else?

Mr. TEKLA. To the best of my knowledge, only a waitress.

Senator KEATING. Just the seven people?

Mr. TEKLA. I thought there were about a half-dozen, yes, sir.

Senator KEATING. Was he known to you at the time to be a member of the Cleveland subversive squad?



Mr. TEKLA. Oh, yes, Senator. He is well known for his subversive activities.

Senator KEATING. And was known at that time?

Mr. TEKLA. Yes.

Senator DODD. You mean he is well known for his antisubversive activities?

Mr. TEKLA. It is a matter of interpretation, sir.

Senator DODD. It seems a matter of proper use of language.

Senator KEATING. You didn't mean literally he was known for his subversive activities?

Mr. TEKLA. That was his title. He was known as the head of the subversive squad and I referred to him by that title.

Senator KEATING. Is it called subversive or antisubversive?

Mr. TEKLA. I think it is subversive.

Senator DODD. It might be, like the pickpocket squad or burglar squad. But it doesn't mean the policeman is a pickpocket or a burglar.

Mr. SOURWINE. Have you been active in connection with attempts to unite the Independent Socialist League with the Socialist Party?

Mr. TEKLA. I think I had better put several things on record. I was a member of the Socialist Party and a member of its national executive committee. In the period from 1936 to 1958, several times, the question of closer liaison between these two groups arose. As a member of the national executive committee, naturally it came under discussion and I was present at such meetings.

When you say I was active, I was active in discussing these things. Under some questions of cooperation, I was on one side of the fence, in others, on the other. When the Independent Socialist League actually affiliated with the Socialist Party, I promptly resigned my membership.

Mr. SOURWINE. Do you know Richard Tussey, Max Levey, and Sam Pollock as members of the Fair Play for Cuba Committee?

Mr. TEKLA. I know only Tussey as a member of that committee. I am not acquainted with the general membership.

Mr. SOURWINE. Are you the same Tekla who was recording secretary of the Third American Youth Congress in 1936?

Mr. TEKLA. Yes, sir.

Mr. SOURWINE. Are you aware that the American Youth Congress was cited as subversive by Attorney General Tom Clark?

Mr. TEKLA. Yes, much later.

Mr. SOURWINE. I believe you have already made reference to the fact that you were at Camp 46, Big Flats, N.Y.?

Mr. TEKLA. Yes, sir, I served 3½ years.

Mr. SOURWINE. Were you connected with the group who went on strike?

Mr. TEKLA. I went on strike. I fasted for 3 days, if you can call that a strike.

Mr. SOURWINE. Were you one of the six ultimately convicted in connection with that strike?

Mr. TEKLA. No, sir.

Mr. SOURWINE. Who was the ringleader of that strike?

Mr. TEKLA. To the best of my knowledge, I don't rightly recall, if there were any.

Senator KEATING. Did you say you saw me up there?

Mr. TEKLA. If I may refresh your memory, you visited with our director, who was named Wynn Osborne, who came from New Hampshire and he was a member of the State assembly there.

Senator KEATING. Was I up at this camp, you mean?

Mr. TEKLA. Yes, actually physically there and he and you found a good many interests in common. My considered judgment is that after your visit, you kept in touch with him for some time. At least that is the story I got from Mr. Osborne, who was a friend of mine.

Senator KEATING. Who is Mr. Osborne?

Mr. TEKLA. He was camp director and a member of the State Assembly of New Hampshire and that is why you seemed to get along with him.

Senator KEATING. What year was this?

Mr. TEKLA. 1946.

Mr. SOURWINE. Mr. Tekla, were you at camp 52?

Senator KEATING. Wait a minute. This is very interesting to me. What time in 1946?

Mr. TEKLA. I don't remember. It would have to be the first half of the year, because I left (camp) 46 in July.

Senator KEATING. For the first half of the year, I was in New Delhi, India, so that would have been quite difficult, if it was 1946.

Mr. TEKLA. I thought it was 1946, because that jibes with my record. You have the figures there and I couldn't very well see you, et cetera, if I weren't there at that time. But I could stand corrected.

Senator KEATING. I think you had better.

Mr. TEKLA. This is not germane to the record.

Senator KEATING. No, it isn't, but it is very interesting to me. I have no recollection of this or Mr. Osborne.

Mr. TEKLA. May I refresh your memory about the trouble we had there? The American Legion stirred up a hornet's nest and was picketing in Elmira. We wanted to turn the bar action over to the American Legion for housing for——

Senator KEATING. Where is it located?

Mr. TEKLA. Big Flats, N.Y., just outside of Elmira.

Senator KEATING. Just outside of Elmira?

Mr. TEKLA. About 14 miles outside.

Senator KEATING. I think you are mistaken. I never heard of Big Flats or Mr. Osborne or this camp until this minute, that I know of. That is 14 or 15 years ago.

Mr. TEKLA. All I wish to say is you understand my predicament trying to answer questions about 1935. It is very hard to remember what I had for supper last night.

Senator KEATING. Well, I think you have answered the questions so far in a very satisfactory and forthright way. It is quite a refreshing contrast to what we have been hearing about people declining to answer questions.

Mr. TEKLA. Well, sir, I feel I have nothing to hide. I am not guilty of any overt act.

Mr. SOURWINE. And the fact that you were called here doesn't indicate that anybody thinks you were, sir.

Mr. TEKLA. You would be surprised that it does, sir.

Mr. SOURWINE. Were you at Camp 52, Powellville, Md., in May of 1954?

Mr. TEKLA. Yes, sir.

Mr. SOURWINE. Do you recall a magazine called The Call?

Mr. TEKLA. Are you referring to the Socialist Call?

Mr. SOURWINE. I am trying to find out what this magazine was.

Mr. TEKLA. This is the name of the official Socialist Party organ and it is still under that name.

Mr. SOURWINE. The committee's information is that you sent May Day greetings to that magazine in May of 1944?

Mr. TEKLA. That was correct, sir.

Mr. SOURWINE. What is the significance of May Day greetings?

Mr. TEKLA. This is nothing more than a fund-raising operation. Once a year they call on people who want to support this magazine—in addition to their dues—to donate money.

Mr. SOURWINE. May Day is a special day in the Communist chronology. There is no connection there, is there?

Mr. TEKLA. Well, this is the May Day that started in Chicago in 1886. The Communists subsequently tried to take it over, et cetera, et cetera, but it is an American institution.

Mr. SOURWINE. Mr. Tekla, were you ever a member of the American League for Peace and Democracy?

Mr. TEKLA. No, sir; this organization more or less succeeded the American League Against War and Fascism, but by that time I had been out of the organization for many, many years.

Mr. SOURWINE. Did you ever visit the Soviet Union?

Mr. TEKLA. Yes, sir.

Mr. SOURWINE. When?

Mr. TEKLA. 1937, sir.

Mr. SOURWINE. For what purpose?

Mr. TEKLA. General information, sir.

Mr. SOURWINE. You paid your own expenses?

Mr. TEKLA. Yes, sir.

Mr. SOURWINE. You went as a tourist?

Mr. TEKLA. Yes, sir; third class.

Mr. SOURWINE. Do you speak Russian?

Mr. TEKLA. No, sir.

Mr. SOURWINE. You went through the facilities of Intourist?

Mr. TEKLA. Yes, sir; that is the only way you could go, as I understood it.

Mr. SOURWINE. Did you have any contact with Soviet officials over there?

Mr. TEKLA. No, sir, I had names of Americans who had left America to work over there and I contacted them. I figured they would talk my language. I also speak Czech and I also got along very well with the guides and was able to get a lot of information.

Mr. SOURWINE. Have you ever contacted anybody at the Soviet Embassy in the United States?

Mr. TEKLA. Yes, sir, I contacted them with reference to publishing a manuscript I had which had to do with my Russian trip.

Mr. SOURWINE. When was this?

Mr. TEKLA. A couple of years ago, to the best of my knowledge.

Mr. SOURWINE. And when was your trip to Russia?

Mr. TEKLA. 1937.



Mr. SOURWINE. You made the trip in 1937?

Mr. TEKLA. Yes, sir.

Mr. SOURWINE. And a couple of years ago you contacted the Embassy about publishing something on that trip?

Mr. TEKLA. Yes. Over the years I finally got around to writing up the notes I took. I had voluminous notes and wrote four books.

Mr. SOURWINE. You are a writer?

Mr. TEKLA. Amateur writer?

Mr. SOURWINE. What is your business or profession?

Mr. TEKLA. I am a clerk.

Mr. SOURWINE. Specifically, did you contact the Soviet Embassy at Washington, D.C., on January 13, 1955?

Mr. TEKLA. Yes, sir.

Mr. SOURWINE. What was that about?

Mr. TEKLA. About this manuscript.

Mr. SOURWINE. It was more than a couple of years ago, then?

Mr. TEKLA. 1955, yes, sir.

Mr. SOURWINE. Mr. Chairman, I have no further questions of this witness. I think he may, in part, as far as his knowledge of Mr. Tussey goes, be of value to the committee.

Senator DODD. Yes.

Mr. SOURWINE. I should like to commend him on the record for answering the questions forthrightly and not giving the committee any trouble. I think he is obviously attempting to cooperate fully.

Mr. TEKLA. I contacted Senator Young's office and asked them how I could cooperate. They phoned Washington and found out it was about Cuba and I hesitated because I said I don't know anything about Cuba, I haven't been the least bit active in this committee. But I am glad I can be of some value.

Mr. SOURWINE. Thank you, sir.

Do you want this witness held for tomorrow?

(Discussion off the record.)

Senator DODD. Would you come back tomorrow at 10 o'clock?

Mr. TEKLA. If necessary, I will have to be here.

Senator DODD. Well, I think it would be helpful.

Mr. TEKLA. Very well, sir.

Mr. SOURWINE. That will be in the room outside, Mr. Tekla.

(Discussion off the record.)

Senator DODD. We are recessed until tomorrow morning at 10 a.m.

(Whereupon, at 4:30 p.m., the subcommittee adjourned to reconvene at 10 a.m. Tuesday, June 13, 1961.)



## FAIR PLAY FOR CUBA COMMITTEE

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TUESDAY, JUNE 13, 1961

U.S. SENATE, SUBCOMMITTEE TO  
INVESTIGATE THE ADMINISTRATION OF THE  
INTERNAL SECURITY ACT  
AND OTHER INTERNAL SECURITY LAWS,  
OF THE COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The subcommittee met, pursuant to call, at 10:30 a.m., in room 2300, New Senate Office Building, Senator Thomas J. Dodd presiding.

Present: Senators Dodd and Olin D. Johnston.

Also present: J. G. Sourwine, chief counsel; Benjamin Mandel, research director, and Frank Schroeder, chief investigator.

Senator DODD. The subcommittee will be in order.

You have already been sworn, Mr. Tussey.

Mr. TUSSEY. I was affirmed.

Senator DODD. Just sit down.

Go right ahead, Mr. Sourwine.

Mr. SOURWINE. All right, sir.

Senator DODD. Am I right about that, that he was sworn yesterday?

Mr. SOURWINE. The witness was sworn in the sense that he affirmed yesterday.

Senator DODD. I know.

### TESTIMONY OF RICHARD B. TUSSEY—Resumed

Mr. SOURWINE. Mr. Tussey, you were told yesterday that the committee had information that you had been separated from your position with MESA—that is your union position—because of your activities in connection with the Fair Play for Cuba Committee, especially your use of union headquarters for the Fair Play for Cuba Committee work.

Are you willing to tell us this morning whether this is true?

Mr. TUSSEY. I guess I will have to assert the privilege against self-incrimination.

Senator DODD. As I understand you, you say you are going to assert your privilege, is that it?

Mr. TUSSEY. Yes, sir.

Senator DODD. You are talking about the fifth amendment to the Constitution, I take it.

Mr. TUSSEY. Yes, sir.

Senator DODD. I think that is the proper way to describe it.

Mr. TUSSEY. All right.



Mr. SOURWINE. Mr. Tussey, you were asked yesterday if it was not true that you had helped to organize the Fair Play for Cuba Committee in Cleveland.

Will you answer that question this morning?

Senator DODD. You know, I think it would help this hearing—I want this on the record—if you would confer with your lawyer. When you asked why you were called, you were told why. If we have to have these long delays after every question I think it would be far better if we recessed and you took time to confer with your counsel. You were here yesterday with your lawyer. You spent the night in the city and it is now 10:30 in the morning. If you want time to talk to your lawyer you can have all the time you want. Just tell us that you want it. But I would like to conduct this hearing in a reasonable length of time and, if there are going to be long delays and conferences between each question and each answer, this will go on for days and days and days.

Mr. TUSSEY. First, I don't know what questions you are going to ask. I don't know if I can confer.

Senator DODD. There is a question pending right now for example, and I would like to address your lawyer.

Do you want time to talk to your client, to confer with him? You can take all the time you want.

Mr. DAY. Mr. Dodd, we have conferred. The conference to which you now allude are conferences on each question.

Senator DODD. Yes.

Mr. DAY. Now I would suppose that as time goes on here that it would not be necessary to confer on every question. But I do think if the witness wishes time on a particular question he is entitled to it.

Senator DODD. Then I think he should state for the record each time that he wants to confer with his lawyer before answering, because it doesn't show on the record that there are these delays and these long intervals between questions and answers and I think this record should be crystal clear about what is taking place at this hearing.

Mr. DAY. Quite so.

Senator DODD. Let me make this perfectly clear. There is no objection at any time to your conferring as long and as frequently as you want to with your lawyer. But I think, in the interest of order and sense and reason in the conduct of the hearing, that if we are to have these long intervals between questions and answers, it is almost impossible to conduct a hearing.

Mr. TUSSEY. I would like to make one correction. I was not told why I was called before this committee.

Senator DODD. I think you asked.

Mr. TUSSEY. I did not ask.

Senator DODD. I may be in error. We will be glad to tell you.

Mr. TUSSEY. I would be glad to ask.

Senator DODD. We will be glad to tell you that.

Mr. SOURWINE. The committee, under its mandate from the Senate, has an obligation to keep, as far as possible, abreast of the activities of the Communist Party and its fronts and its associated organizations and its propaganda moves and its recruitment efforts.

The committee has information that the Fair Play for Cuba Committee is supported by many known Communists; that it is Com-

munist infiltrated; that the Fair Play for Cuba Committee was formed with the help of money which came from Castro—that is from Communist Cuba, and the committee is therefore interested in the Fair Play for Cuba Committee and is further interested in the activities of that committee because we have information that the Fair Play for Cuba Committee is being used by the Communist Party as an instrument for recruitment, particularly among the youth.

The committee has information that you are connected with the Fair Play for Cuba Committee and did, in fact, help to organize the Fair Play for Cuba Committee in Cleveland.

The committee therefore feels that you are in a position to give the committee information respecting the activities of that committee.

Now that is why you have been called.

Senator DODD. Now you have been told. I don't want to discount you. You are a lawyer of experience. You can understand that no hearing could be conducted this way. You know yourself that, in courtroom, if, every time the witness was asked a question he went into a huddle with his lawyer, we would never be able to conduct proceedings.

Now there is some rule of reason that should apply to these things and I repeat, because I don't want there to be any doubt about it on the record or in your mind, that I am not interfering at all with your right to confer with your lawyer. All I am asking is that some rule of reason be applied to it.

Mr. DAY. Senator, perhaps if we could have one more conference.

Senator DODD. All right, you take a conference but I wish you would do this outside and not in here. It goes on in here all the time. It has been happening lately that this pattern has developed: when counsel asks a question there is a long whispered conference. There is the same procedure on the next question and it goes on interminably. There is no continuity to the record and it is about time that we began to straighten this out.

Now you can have a recess. That is all I ask you to tell us. If you want a recess, just ask for it and then we will go on with the hearing.

Mr. DAY. Mr. Tussey said he would like a 2-minute recess.

Senator DODD. That is fine. He can have all the time he wants. You can have the whole day; you can have tomorrow, but when we come back here I want the hearing conducted with some order.

Now we will recess and you take your conference outside where you will have privacy and are free to talk to your lawyer.

Mr. TUSSEY. Is there room outside?

Mr. SOURWINE. There are several booths outside where you can have privacy.

(A recess was taken from 10:40 a.m. until 10:43 a.m.)

Senator DODD. Now Mr. Tussey, you have had an opportunity to confer with your lawyer, have you?

Mr. TUSSEY. Yes, sir.

Senator DODD. And are you satisfied that the time you have had to confer with him was sufficient?

Mr. TUSSEY. For the information I was seeking right for the moment, yes.

Senator DODD. I don't know anything about that. Now you asked for an opportunity to talk to your lawyer and I told you you could have all the time you wanted.

Have you had enough time?

Mr. TUSSEY. I don't know what you might hit me with in the future.

Senator DODD. Nobody hit you with anything. Now I am not going to allow these hearings to be abused and I am going to take a very firm stand about it. If you want time to talk to your lawyer you can have all day, all day tomorrow. You went out and you weren't gone much more than 2 minutes when you were back in the room.

I have asked you a very simple question. Have you had a chance to confer with your lawyer to your satisfaction now?

Mr. TUSSEY. For the information that I was seeking, yes.

Senator DODD. All right.

Mr. TUSSEY. Up until now. But I don't want to leave the impression that I am trying to abuse the committee.

Senator DODD. We will leave that for some other forum, but I want this hearing to be conducted efficiently and properly.

After all, you know we are under no compulsion to allow a lawyer in this room at all and we have done this as a courtesy to witnesses. But if this practice is going to become an abuse to thwart the Congress, then I want to know about it and I think the American people want to know about it.

Mr. SOURWINE, you go ahead.

Mr. DAY. For the record, Senator, we are not going to thwart Congress.

Senator DODD. I made no accusation against you or anybody in particular.

Mr. DAY. I want the record clear.

Senator DODD. The record will speak for itself.

Mr. SOURWINE. Mr. Tussey, did you help organize the Fair Play for Cuba Committee in Cleveland?

Mr. TUSSEY. I assert my privilege against self-incrimination under the fifth amendment.

Mr. SOURWINE. Did you ever confer with Robert Taber about organizing a Fair Play for Cuba Committee chapter in Cleveland?

Mr. TUSSEY. I assert the privilege of the fifth amendment of the Constitution.

Mr. SOURWINE. Have you conferred with Richard Gibson about the same subject?

Mr. TUSSEY. I have to assert the fifth again.

Mr. SOURWINE. Are you presently a member of the national committee of the Fair Play for Cuba Committee?

Mr. TUSSEY. I have to assert my privilege.

Mr. SOURWINE. Will you tell us who are the other members of the national committee of the Fair Play for Cuba Committee?

Mr. TUSSEY. I assert my privilege against self-incrimination under the fifth amendment.

Mr. SOURWINE. Is it true, Mr. Tussey, that the address of the Fair Play for Cuba Committee, Cleveland chapter, is 2605 Detroit Avenue, the Butchers Building, room 212?

Mr. TUSSEY. I assert the privilege under the fifth amendment.



Mr. SOURWINE. Is it true that the office of the MESA, the union, is at room 200 in the Butchers Building at 2605 Detroit Avenue in Cleveland?

Mr. TUSSEY. I assert the fifth.

Mr. SOURWINE. Is it true that the telephone number of the Fair Play for Cuba Committee, Cleveland chapter, and the telephone number for the MESA are the same, to wit, Main 1-8121?

Mr. TUSSEY. I have to assert my privilege against self-incrimination.

Mr. SOURWINE. Will you tell us the affiliation of the Fair Play for Cuba Committee with the Institute for Improvement of Inter-American Relations?

Mr. TUSSEY. I assert my privilege under the fifth amendment.

Mr. SOURWINE. Will you tell us the relationship between the Fair Play for Cuba Committee in Cleveland and the National Fair Play for Cuba Committee of which Mr. Robert Taber is executive secretary and Mr. Gibson is acting executive secretary?

Mr. TUSSEY. I assert my privilege under the fifth amendment.

Mr. SOURWINE. Isn't it true that you were until very recently chairman of the Fair Play for Cuba Committee in Cleveland, Ohio?

Mr. TUSSEY. I assert my privilege against self-incrimination under the fifth amendment.

Mr. SOURWINE. Didn't you act as chairman of the meeting of the Fair Play for Cuba Committee in Cleveland on November 29, 1960?

Mr. TUSSEY. I assert my privilege against self-incrimination under the fifth amendment.

Mr. SOURWINE. Mr. Tussey, who are the officers of the Fair Play for Cuba Committee chapter in Cleveland?

Mr. TUSSEY. I assert my privilege under the fifth.

Mr. SOURWINE. Will you tell us the size of the Fair Play for Cuba Committee chapter in Cleveland?

Mr. TUSSEY. I assert my privilege under the fifth.

Mr. SOURWINE. Who maintains the records of the Cleveland chapter of the Fair Play for Cuba Committee?

Mr. TUSSEY. I assert my privilege under the fifth amendment.

Mr. SOURWINE. Does the Cleveland chapter of the Fair Play for Cuba Committee maintain a bank account?

Mr. TUSSEY. I assert my privilege against self-incrimination under the fifth amendment.

Mr. SOURWINE. Does the Cleveland chapter of the Fair Play for Cuba Committee remit funds to the Fair Play for Cuba Committee in New York?

Mr. TUSSEY. I assert my privilege against self-incrimination under the fifth amendment of the U.S. Constitution.

Mr. SOURWINE. Isn't it true, Mr. Tussey, that you assisted in arranging a trip to Cuba, participated in by a group of individuals, under the auspices of the Cleveland chapter of the Fair Play for Cuba Committee?

Mr. TUSSEY. I assert my privilege under the fifth amendment and refuse to answer.

Mr. SOURWINE. Mr. Tussey, I put it to you as a fact and ask you to deny it if it is untrue, to correct it if the statement is inaccurate, that you visited Cuba in December 1960 accompanied by your daughter, Bonnie Lee.



Mr. TUSSEY. I refuse to answer under the fifth amendment.

Mr. SOURWINE. Will you tell us who paid your expenses on that trip?

Mr. TUSSEY. I refuse to answer under the fifth amendment.

Mr. SOURWINE. Will you tell us who invited you to go to Cuba on that occasion?

Mr. TUSSEY. I refuse to answer that question under the fifth.

Mr. SOURWINE. Isn't it true that you did go on that trip and after you returned you wrote about the trip?

Mr. TUSSEY. I refuse to answer. I assert my privilege under the fifth.

Mr. SOURWINE. Isn't it true that you made public statements about your trip to Cuba?

Mr. TUSSEY. I refuse to answer the question. I assert my privilege against self-incrimination.

Mr. SOURWINE. Isn't it true that you were invited to visit Cuba by the Ferrocarriles Consolidados de Cuba?

Mr. TUSSEY. I assert my privilege against self-incrimination under the fifth.

Mr. SOURWINE. While you were in Cuba Mr. Tussey, you met Fidel Castro and attended a May Day celebration in Cuba; is that not correct?

Mr. TUSSEY. I assert my privilege against self-incrimination under the fifth.

Mr. SOURWINE. Will you tell us, Mr. Tussey, who, besides your daughter accompanied you on your trip to Cuba in December 1960?

Mr. TUSSEY. I assert my privilege under the fifth amendment of the Constitution.

Mr. SOURWINE. Isn't it true, Mr. Tussey, that Vincent Hallinan, an attorney for the ILWU, and Lyle Stuart, editor of a weekly publication, were with you in Cuba in December 1960?

Mr. TUSSEY. I assert the privilege of the fifth amendment and my rights under the first amendment for the reason that such association might tend to incriminate me.

Mr. SOURWINE. Mr. Tussey, isn't it true that the Cuban railroad union paid your expenses on the occasion of your visit to Cuba?

Mr. TUSSEY. I assert my privilege and refuse to answer, under the fifth amendment of the Constitution.

Mr. SOURWINE. Mr. Tussey, are you familiar with the taped interviews and so-called eyewitness reports dealing with Cuba which the Fair Play for Cuba Committee is circulating?

Mr. TUSSEY. I assert my privilege against self-incrimination under the fifth amendment of the Constitution.

Mr. SOURWINE. Mr. Tussey, did you have anything to do with the preparation of these taped interviews and eyewitness reports?

Mr. TUSSEY. I assert my privilege against self-incrimination under the fifth amendment of the U.S. Constitution.

Mr. SOURWINE. Mr. Tussey, I show you a clipping from the National Guardian of February 27, 1961, page 11. This clipping has six advertisements. I call your attention to the advertisement at the bottom which is an ad for a meeting on Sunday, February 26, the lecturer being Dr. Herbert Aptheker.

Do you know Dr. Aptheker?

Mr. TUSSEY. I assert my privilege against self-incrimination under the fifth amendment.

Mr. SOURWINE. Do you know Dr. Aptheker as a functionary of the Communist Party of the U.S.A.?

Senator DODD. Let me see that please.

Mr. TUSSEY. I assert the privilege of the fifth amendment and my rights under the first amendment to the Constitution and decline to talk about people with whom I might be associated for the reason such association might tend to incriminate me.

Mr. SOURWINE. I call your attention to the first ad in this column which says "the Castro government, is it good for Cuba, a public forum, Richard B. Tussey argues yes; Leta Wood says no, Friday, March 3, 1961, Great Wall Wood Church," and I will ask if you are the Richard B. Tussey referred to there.

Mr. TUSSEY. I assert my privilege against self-incrimination under the fifth.

Mr. SOURWINE. In fact, did you not participate in that meeting, as advertised?

Mr. TUSSEY. I assert my privilege against self-incrimination.

Mr. SOURWINE. Do you know Leta Wood?

Mr. TUSSEY. I assert my privilege under the fifth and my rights under the first—

Mr. SOURWINE. May this clipping—

Mr. TUSSEY (Continuing). And decline to talk about people who I may have been associated with.

Senator DODD. This may be included in the record.

Mr. TUSSEY. This may tend to incriminate me.

Senator DODD. Would you like to put this in?

Mr. SOURWINE. Yes.

Senator DODD. So ordered.

(The document referred to was marked "Exhibit No. 58" and is reproduced below:)

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**CLEVELAND**


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**"THE CASTRO GOVT.—IS IT GOOD FOR CUBA?"—A Public Forum.**

Richard B. Tussey argues, "YES,"  
Leta Wood says, "NO."

**FRIDAY, MARCH 3, 8 P.M.**

Great Hall, Epworth Euclid Church  
107th & Chester Adm. free.

Ausp: Social Action Committee.  
Unitarian Society

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**LOS ANGELES**


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**THE CASE FOR CUBA**

**Speakers:** ROBERT F. WILLIAMS, Union County, N.C., NAACP, recently returned from Cuba; VINCENT HALLINAN, prominent San Francisco attorney & former Independent Progressive Party presidential candidate.

**SAT., MARCH 4, 8:15 P.M.**

EMBASSY Auditorium, 847 S. Grand Ave.  
Donation \$1., students or unem. 50c.  
Ausp: Fair Play for Cuba Committee.

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**TWO SEMINAR SESSIONS**

1—Cuba and the Theory of the Permanent Revolution; Instructor: Theodore Edwards, socialist writer and radio commentator. Time: 11 a.m.—12:30.

2—Rise and Decline of the American Communist Party; Instructor: Arne Swaback, a founder of the Communist Party; and Max Goldman, socialist lecturer and organizer. Time: 12:30—2 p.m.

**Date:** Every Sunday through March 5  
1702 East 4th St., Los Angeles

AN 9-4933 or WE 5-9238

**AUSP:** International School of Socialism  
Cont: 35c per individual session

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**MINNEAPOLIS**


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Fair Play for Cuba Committee

**PUBLIC MEETING**

**Speakers:** Robert Williams, NAACP leader, on WHAT I SAW IN CUBA, and Ed Shaw, FPCC Midwest Rep., on U.S.-CUBAN RELATIONS, at University YMCA, 1425 Univ. Ave. S.E., Sat., Feb. 25 at 8:30 p.m. Donation 75c, students 35c.

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**NEW YORK**


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**PARTY, FAIR PLAY FOR CUBA COMM.**

**SAT., MARCH 4, 8 P.M.** at 1204 Longfellow Ave., apt. 2-E. WY 1-1367. Hear Cuban people's own story. Recent taped interviews & eyewitness reports. Disc., refreshments. Cont. \$1. 7th or Lex. IRT, E. Bronx express, 174th St. station.

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**SUN., FEB. 26, 8 P.M. SHARP,**

**DR. HERBERT APTHEKER** will lecture on "THE REVOLUTION IN CUBA & USA POLICY."

Brighton Community Center  
3200 Coney Island Ave., Brighton Beach

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Mr. SOURWINE. Mr. Tussey, are you aware of Communist——  
Mr. DAY. Excuse me. He has not testified. The record should show that.

Senator DODD. He testified in the sense he refused to answer.

Mr. DAY. All right.

Mr. SOURWINE. Mr. Tussey, are you aware of Communist infiltration of the Fair Play for Cuba Committee?

Mr. TUSSEY. I assert the privilege of the fifth amendment and my rights under the first amendment of the Constitution and decline to

talk about people with whom I may have been associated for the reason such association may tend to incriminate me.

Mr. SOURWINE. Mr. Tussey, will you give us the names of members of the Fair Play for Cuba Committee whom you know to be members of the Communist Party, U.S.A.?

Mr. TUSSEY. I assert my privilege under the fifth.

Mr. SOURWINE. What knowledge do you have of Communist support for the Fair Play for Cuba Committee?

Mr. TUSSEY. I assert my privilege under the fifth amendment.

Mr. SOURWINE. What knowledge do you have respecting any sums of money received from Cuba by the Fair Play for Cuba Committee or any of its officers?

Mr. TUSSEY. I assert my privilege under the fifth amendment of the Constitution of the United States.

Mr. SOURWINE. Mr. Tussey, were you ever a member of the Communist Party, U.S.A.?

Mr. TUSSEY. I assert my privilege against self-incrimination under the fifth amendment of the United States.

Mr. SOURWINE. Mr. Tussey, what connection is there between the Socialist Workers' Party and the Communist Party, U.S.A.?

Mr. TUSSEY. I assert my privilege under the fifth amendment.

Mr. SOURWINE. How does it happen that these two parties are co-operating in helping the Fair Play for Cuba Committee?

Mr. TUSSEY. I assert my privilege under the fifth, my rights under the first.

Mr. SOURWINE. Mr. Tussey, did you report to the Socialist Workers' Party regarding your attendance of a May Day celebration in Havana?

Mr. TUSSEY. I assert my rights under the fifth.

Mr. SOURWINE. Do you know Sydney Lens?

Mr. TUSSEY. I assert my privilege under the fifth and my rights under the first and decline to talk about people whom I have been associated with, since it might incriminate me.

Mr. SOURWINE. I put it to you as a fact and ask you to deny it if it is untrue, or correct it if it is in error in any respect, that you know Sydney Lens and you saw him in Cuba in December 1960.

Mr. TUSSEY. I again assert my privilege under the fifth and decline to talk about people under my rights under the first amendment.

Mr. SOURWINE. Do you know Samuel Shapiro?

Mr. TUSSEY. Since it might incriminate me I again assert my rights and privilege under the fifth and the first.

Mr. SOURWINE. Do you know Samuel Shapiro as an assistant professor of history at Michigan State University?

Mr. TUSSEY. I assert my privilege under the fifth and the first.

Mr. SOURWINE. I put it to you as a fact and ask you to deny it if it is untrue and correct it if it is in error, that you know Prof. Samuel Shapiro and that you saw him in Cuba in December 1960.

Mr. TUSSEY. I assert my privilege under the fifth amendment and first amendment of the Constitution.

Mr. SOURWINE. Do you know Scott Nearing, a writer for the Monthly Review and one of the participants in the San Francisco riots during HUAC hearings there?

Mr. TUSSEY. I assert my privilege under the fifth and under the first amendments to the U.S. Constitution.



Mr. SOURWINE. I put it to you as a fact, Mr. Tussey, and ask you to deny it if it is untrue, to correct it if the statement is in error, that you do know Scott Nearing and that you saw him in Cuba in 1960.

Mr. TUSSEY. I assert the privilege of the fifth and my rights under the first and I decline to talk about people with whom I may have been associated as it might incriminate me.

Mr. SOURWINE. Will you tell us, Mr. Tussey, what is the connection, respectively, of Sydney Lens, Samuel Shapiro, and Scott Nearing with the Fair Play for Cuba Committee?

Mr. TUSSEY. I assert my privilege of the fifth and the first.

Mr. SOURWINE. I will tell you Mr. Tussey, that the committee has received reports that Scott Nearing who is a wellknown writer on communism, was recently in Miami, publicly identifying himself as a representative of the Fair Play for Cuba Committee. Did you know about that?

Mr. TUSSEY. I assert my privilege under the fifth amendment.

Mr. SOURWINE. The reports to the committee indicate, Mr. Tussey, that Mr. Nearing was active in propagandizing students for the Castro cause.

Did you know about that?

Mr. TUSSEY. I assert the privilege of the fifth amendment.

Mr. SOURWINE. For the sake of brevity I will combine several names in this question. I put it to you as a fact and ask you to deny it if untrue, to correct it if it is inaccurate, that you are acquainted with Waldo Frank, Carleton Beals, and Richard Gibson; that you know these men as members of the Fair Play for Cuba Committee.

Mr. TUSSEY. I assert my privilege under the fifth and under the first.

Mr. SOURWINE. Will you tell us when and where you first met Waldo Frank?

Mr. TUSSEY. I assert my privilege under the fifth and the first.

Mr. SOURWINE. Will you tell us where you first met Carlton Beals?

Mr. TUSSEY. I assert my privilege under the fifth and first.

Mr. SOURWINE. Will you tell us when you first met Richard Gibson?

Mr. TUSSEY. I assert my privilege under the fifth amendment and the first amendment.

Mr. SOURWINE. Do you know all of those men as members of the national committee of the Fair Play for Cuba Committee, do you not?

Mr. TUSSEY. I assert my privilege under the fifth amendment.

Mr. SOURWINE. Mr. Tussey, after you returned from Cuba in 1960 you praised the Castro government publicly, is this not correct?

Mr. TUSSEY. I assert my privilege under the fifth amendment.

Mr. SOURWINE. Didn't you, Mr. Tussey, on December 9, 1960, make the statement in Cleveland, Ohio, that Cuba, under Fidel Castro, was not getting fair play from the United States?

Mr. TUSSEY. I assert my privilege under the fifth.

Mr. SOURWINE. Didn't you say that that was why you were forming the Cleveland Chapter of the Fair Play for Cuba Committee?

Mr. TUSSEY. I assert my privilege under the fifth.

Mr. SOURWINE. Mr. Tussey, did you ever speak before the Unitarian Society of Cleveland?

Mr. TUSSEY. I assert the privilege of the fifth and the rights under the first of the Constitution.

Mr. SOURWINE. Didn't you, Mr. Tussey, make such a speech and didn't you, in that speech say, "We in the United States have been

given the wrong impression that the Cubans are Communists; that they are unfriendly to us, and the Cuban Government has confiscated property from the Catholic churches."

Mr. TUSSEY. I assert my privilege under the fifth amendment of the Constitution.

Mr. SOURWINE. Do you have any information respecting whether the Cubans around Castro are Communists?

Mr. TUSSEY. I assert my privilege under the fifth amendment.

Mr. SOURWINE. Do you have any information respecting whether the Castro government is unfriendly to the United States?

Mr. TUSSEY. I assert the privilege of the fifth amendment.

Mr. SOURWINE. Do you have any information respecting whether the Castro government of Cuba has confiscated property from the Catholic churches?

Mr. TUSSEY. I assert my privilege under the fifth amendment.

Mr. SOURWINE. Mr. Tussey, did you give an interview to the Cleveland Plain Dealer after your return from your visit to Cuba in December of 1960?

Mr. TUSSEY. I assert the privilege of the fifth amendment and my rights under the first.

Mr. SOURWINE. Mr. Tussey, I show you a photostat of a news story from the Cleveland Plain Dealer under date of January 7, 1961. You will note your picture at the top of the news story. Isn't that your picture?

Mr. TUSSEY. I assert the privilege of the fifth amendment.

Mr. SOURWINE. Will you look at the story, please? This is a story under the byline of Mary Hirschfeld of the Cleveland Plain Dealer. Will you tell the committee if this story accurately reports the interview which you gave Mary Hirschfeld?

Mr. TUSSEY. I assert the privilege of the fifth amendment.

Senator DODD. Mr. Tussey, I want this perfectly clear on the record. The counsel has shown you a photostat. I guess it is a photostat.

Mr. SOURWINE. A photostat.

Senator DODD. Of a newspaper article from the Cleveland Plain Dealer.

Mr. SOURWINE. The date is January 7, 1961.

Senator DODD. And he has asked you if that is your picture. I want you to understand this question clearly and I will instruct you to answer it.

Mr. TUSSEY. Can I have a moment?

Senator DODD. Yes.

Now before you answer you have had a conference with your lawyer, is that right?

Mr. TUSSEY. Yes, sir.

Senator DODD. What is your answer?

Mr. TUSSEY. Repeat the question.

Senator DODD. I think it would be better if the reporter repeats it, or perhaps, Mr. Sourwine, you would like to rephrase it, sir.

Mr. SOURWINE. I will ask you, Mr. Tussey, if this picture at the head of the column over the byline story of Mary Hirschfeld, which is this clipping, is your picture?

Mr. TUSSEY. Yes.

Mr. SOURWINE. I ask that this be offered for the record, Mr. Chairman.

Senator DODD. It may be included at this point in the record and printed.

(The document referred to was marked "Exhibit No. 59" and reads as follows:)

EXHIBIT No. 59

[From the Cleveland Plain Dealer, Jan. 7, 1961]



CASTRO STILL A HERO, SAYS CLEVELANDER

(By Mary Hirschfeld)

Americans are deluding themselves if they believe Fidel Castro's popularity is waning or Cuba is coming apart at the economic seams, warned Richard B. Tussey, 3054 Euclid Heights Boulevard, Cleveland Heights, back from a 10-day trip to Cuba.

While he was away he was removed from the payroll as a national representative for the AFL-CIO Mechanics Educational Society of America. But he is hoping that, "as an internal problem, it will be settled within the union."

Meanwhile he is organizing the Cleveland chapter of the Fair Play for Cuba Committee.

TOOK DAUGHTER

Tussey took his daughter Bonnie Lee, 18, a sophomore at Bowling Green State University, on the trip that was sponsored by the Fair Play group in which 350 participated.

He went to the U.S. Embassy in Havana and concluded that the staff knew nothing of what really was going on because they talked only with anti-Castro Cubans.

Instead of a dismal, deserted capital, he found Havana crowded and gay, he said. Workers had received a Christmas bonus and were spending freely.

"The Cubans have a right to expect an invasion," he asserted, "because they know that mercenaries are training in Guatemala for it."

Tussey said he heard that an anti-Castro force would invade the Isle of Pines, set up a Cuban government in exile there and obtain U.S. recognition.



Mr. SOURWINE. Now, will you answer the question as to whether this byline story accurately reports the interview which you gave Mary Hirschfeld?

Mr. TUSSEY. I assert my privilege against self-incrimination of the fifth.

Mr. SOURWINE. Mr. Tussey, while you were in Havana in December 1960 did you visit the U.S. Embassy there?

Mr. TUSSEY. I assert my privilege under the fifth amendment.

Mr. SOURWINE. Isn't it true, Mr. Tussey, that you stated in Cleveland after your return from Havana that you had visited the U.S. Embassy in Havana and that you found that the staff of the Embassy knew nothing of what was really going on because they had been instructed to converse only with anti-Castro Cubans?

Mr. TUSSEY. I exercise my privilege under the fifth amendment and refuse to answer.

Mr. SOURWINE. Mr. Tussey, isn't it true that after you returned from Havana in December 1960 you made a statement publicly in Cleveland that the people in Havana were and I quote, "gay and happy" and that the workers there had received a Christmas bonus and were, I quote again, "spending very freely," close quotes.

Mr. TUSSEY. Again, I assert my privilege under the fifth amendment.

Mr. SOURWINE. Mr. Tussey, do you know Sam Pollock, the president of local 427 of the Amalgamated Meat Cutters?

Mr. TUSSEY. I assert the privilege of the fifth amendment and my rights under the first and decline to talk about people with whom I may have been associated.

Mr. SOURWINE. Do you know Sam Pollock as a Communist?

Mr. TUSSEY. I assert the privilege of the fifth amendment.

Mr. SOURWINE. Are you aware, Mr. Tussey, that the Communist Party 1937 yearbook entitled "Ohio Marches Toward Peace and Progress," which was published by the Communist Party, listed Sam Pollock on the honor roll?

Mr. TUSSEY. I assert the privilege of the fifth amendment.

Mr. SOURWINE. What have been your connections with Sam Pollock?

Mr. TUSSEY. I assert my privilege under the fifth amendment and under the first amendment regarding associations.

Mr. SOURWINE. Mr. Tussey, were you in Cleveland, Ohio, on September 18, 1959?

Mr. TUSSEY. I assert my privilege under the fifth.

Mr. SOURWINE. Isn't it true that you were there and that on that date you attended a meeting at Antioch Church?

Mr. TUSSEY. I assert the fifth.

Mr. SOURWINE. Isn't it also true that many known Communists were in attendance at that meeting?

Mr. TUSSEY. I assert the privilege of the fifth and my rights under the first.

Mr. SOURWINE. Were you in Cleveland, Ohio, on April 16, 1949?

Mr. DAY. November 16, Mr. Sourwine?

Mr. SOURWINE. April 16, 1949.

Mr. TUSSEY. I assert my privilege under the fifth.



Mr. SOURWINE. Isn't it true that you were there and that on that date you attended a mass meeting at the public square protesting the sentencing of the Fawick strikers?

Mr. TUSSEY. I assert the privilege of the fifth and the first.

Mr. SOURWINE. Do you know what I mean by the Fawick strikers?

Mr. TUSSEY. Just a moment.

I assert the privilege of the first and the fifth.

Mr. SOURWINE. Mr. Chairman, I will state that the Fawick strike began March 7, 1949, when the Fawick Air Flex Co. refused to recognize the CIO United Electrical Workers because its officers had not signed non-Communist affidavits. So the record may speak clearly with regard for this I offer for the present time two clippings, one from the Cleveland Plain Dealer of Sunday, April 17, 1949, and the other from a different page of the same paper and ask that these be placed in the record at this point.

Senator DODD. Yes, they may be included.

(The documents referred to are as follows:)

#### EXHIBIT No. 60

[From the Cleveland Plain Dealer, Apr. 17, 1949]

#### APPELLATE JUDGES CENSURE CONNELL—SET BAIL FOR TWO JAILED IN FAWICK CASE

(By Wilson Hirshfeld)

Common Pleas Judge James C. Connell, although not mentioned by name, yesterday was taken to task in the court of appeals for his conduct in connection with the Fawick strike litigation.

In an extraordinary Saturday session, certainly one of the few in court history, the reviewing court set bail and allowed temporary freedom for two men jailed on Judge Connell's order Thursday. The prisoners had brought habeas corpus actions.

"To deny bail before trial, except in capital offenses," said Judge Joy Seth Hurd, "is a violation of a sacred basic human right guaranteed by the Constitution of the United States and the constitution of Ohio. This constitutional right transcends all other considerations of whatever kind or nature."

#### SITS BY DESIGNATION

Said Judge Oscar Hunsicker of the ninth appellate district at Akron, sitting here by designation:

"I spent many years on the common pleas bench and had to punish many contempt actions. I never felt it was the obligation of a judge to argue himself into subordination with the law."

Said Judge Arthur W. Doyle of the ninth district, also sitting here by designation:

"Courts are not vested with powers of arbitrary discretion. There are, however, cases in which a judge may exercise that power which is known as judicial discretion.

"This power of judicial discretion, however, does not give the right to a judge to refuse the guarantees of the Constitution to persons who appear as litigants before him.

#### "CONSTITUTION IS SUPREME

"These constitutional rights extend to all persons regardless of their political, business, religious or social affiliations. The Constitution of the United States and of Ohio is still the supreme law of this State and will be enforced in this court."

Hearing the appellate court define their rights were Joseph Krause, 924 Parkwood Drive NE., and Norman Berman, 3398 East 135th Street, both arrested for writing allegedly threatening letters to Judge Connell.

Krause and Berman were the 17th and 18th individuals given temporary freedom by the court of appeals this week in face of Judge Connell's decisions.

Yesterday's was Berman's second release on bail in the reviewing court. He and Krause each had to post bond of \$500, and will face trial by Judge Connell later as matters now stand.

## FREEDOM IS ISSUED

"The sole question before this court on the issues made," Judge Hurd said, "is whether or not the petitioners are entitled to their freedom on bail pending trial on charges of contempt of court.

"We are not here dealing with the question of the guilt or innocence of the accused. That is for the trial court to determine on the issues made in the pleadings before that court. We are here dealing with basic fundamental constitutional rights."

Then, presumably also for the benefit of telephone callers who have been harassing the appellate bench for its decisions, Judge Hurd proceeded as follows: "Does the accused have a right to be released on bail pending trial? Article I, section 9 of the constitution of Ohio provides:

"All persons shall be bailable by sufficient sureties except for capital offenses where the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed."

Judge Hurd continued:

"A capital offense is one punishable by death. Where the proof is evident or the presumption great, such persons are not entitled to bail. All other persons are bailable. This provision of the constitution includes charges for contempt of court.

"The dignity of our courts must be maintained and the judicial process must be respected at all times and by all persons. A strong and independent judiciary is the bulwark of our liberties.

"However, no matter how much a court or a judge thereof may feel aggrieved by the conduct of persons charged with contempt of court, nevertheless such an offense is not a capital offense and is bailable under the Constitution and the laws hereunder \* \* \*"

Turning then to the question of habeas corpus, Judge Hurd pointed to the constitutional provision that this privilege "shall not be suspended unless in cases of rebellion or the public security requires it."

"In the instant cases there had been no trial or summary sentence," Judge Hurd concluded. "So that, until such a time as there is a trial, the accused are undoubtedly entitled to bail under the provisions of the Constitution, pending hearing on the charges lodged against them.

Because of the importance of this and other cases coming before us recently, a formal opinion will be filed in this matter."

Judge Doyle also said:

"One of the safeguards of our laws is the right to trial. And these men will be given trial. But they are entitled to bail before they are found to be guilty."

## DAY-BY-DAY STORY

Here are day-by-day happenings in the Fawick litigation:

*Friday, April 8*

Judge Connell convicts 12 Fawick injunction violators, jails them, and fixes bond at a total of \$2,360,000.

*Saturday, April 9*

Would-be pickets of Judge Connell's Shaker Heights residence leave Landon Road after being informed by suburban police the suburb has an ordinance against picketing of private residences.

*Monday, April 11*

Three UE officials and members file affidavits of prejudice against the judge.

*Tuesday, April 12*

On a motion for stay of execution, court of appeals fixes bond of \$42,500 for the 12 Fawick injunction violators. They post bond, but the sheriff keeps them in jail on verbal orders from Judge Connell after reviewing court has ruled. Judge Connell jails five persons who were owners of the automobiles used to transport the would-be picketers; one, a 57-year-old woman, is released on the judge's order Tuesday night. Also jailed on his order is the writer of an allegedly threatening letter.

*Wednesday, April 13*

Judge Connell is cleared of the prejudice charges in Columbus by Chief Justice Carl V. Weygandt of the Ohio Supreme Court. Judge Connell fixes "security" bond to keep 10 Fawick violators in custody. The court of appeals frees these 10 on habeas corpus writs, Judge Joy Seth Hurd pointing to "interference" with the reviewing court's jurisdiction. Also on habeas writs, the court of appeals frees the letterwriter and three of the jailed auto owners. All 14 freed had to post bond, pending appeal or trial.

*Thursday, April 14*

Judge Connell orders the arrest of the letterwriter for a second threatening letter. This man fails to win temporary freedom 2 hours later in the court of appeals because the trial court has not denied him a trial forthwith. The reviewing court does free a fourth auto owner, who had been in jail 2 days, and a fifth owner who had surrendered himself. Judge Connell arrests another man for writing a "menacing" letter. Those freed by the reviewing court posted bond.

*Friday, April 15*

Five more affidavits of prejudice are filed against Judge Connell.

*Saturday, April 16*

Court of appeals frees on bond the letterwriter whom it denied release Thursday; also released under bond is the other man who wrote the judge a letter.

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#### EXHIBIT No. 60-A

[From the Cleveland Plain Dealer, Apr. 17, 1949, p. 19-A]

#### ANTI-CONNELL RALLY IS ATTENDED BY 125 IN PUBLIC SQUARE

A rally in protest against recent actions of Common Pleas Judge James C. Connell yesterday attracted about 125 persons to the northwest corner of Public Square at the Tom L. Johnson monument.

The rally, scheduled for 2:30, was 15 minutes late in getting underway. It lasted long enough for those present to adopt vociferously a resolution condemning Judge Connell's recent court decisions and urging Gov. Frank J. Lausche and Mayor Thomas A. Burke to "use their good offices to bring about a settlement" of the Fawick Airflex Co. strike.

With wet snow falling and a chill breeze blowing, the weather was blamed for the small turnout. The crowd estimate was by Detective John Ungvary of the police subversive squad.

The resolution was read by Hugh DeLacey, State director of the Progressive party and a former congressman from the State of Washington. Another rally will be held at 2:30 next Saturday, same place, in hope of better weather, DeLacey said.

Policemen in plain clothes dotted the gathering and stood in doorways in the Marshall and Public Square Buildings. One mounted policeman was seen in front of the Terminal Tower.

MR. DAY. Senator, may I ask one question?

We have no right to object to any exhibit on the grounds of relevancy.

Senator DODD. If you do have any objection I will be glad to hear it.

MR. DAY. I am just questioning the materiality.

Senator DODD. You are not precluded from offering any objection. I will be glad to hear it. Certainly, you are entitled to say what you want.

MR. DAY. I object to anything in connection with the Fawick Works strike unless somehow connected with this witness.

MR. SOURWINE. I am showing this exhibit which has been ordered into the record to explain to him what the Fawick strike was.

I will now state to you, Mr. Tussey, that the rally about which I asked you was held in protest against the action of Common Pleas



Judge James C. Connell; that that rally adopted a resolution condemning the court action and urging Governor Lausche and Mayor Thomas A. Burke to use their good offices to bring about a settlement of the strike.

I will ask you again, with that background, is it true that you attended that mass meeting?

Mr. TUSSEY. I assert my privilege of the fifth and the first.

Senator DODD. Well, I might say to counsel that this is offered by counsel of the committee, as I understand it, to establish the fact that there was such a strike and that this rally or demonstration or meeting took place.

Mr. SOURWINE. So the witness may know specifically what mass meeting we are asking him about.

Senator DODD. Yes. And for that purpose it has been included in the record.

Mr. SOURWINE. Were you associated in any way, Mr. Tussey, in the framing of tactics or strategy in connection with the Fawick strike?

Mr. TUSSEY. I assert my privilege under the fifth amendment.

Mr. SOURWINE. Were you in Cincinnati, Ohio, on January 30, 1944?

Mr. TUSSEY. I assert my privilege under the fifth.

Mr. SOURWINE. I put it to you as a fact, Mr. Tussey, and ask you to deny it if it is untrue, to correct it if it is in any respect inaccurate, that you were there, that you were present in front of the Music Hall in Cincinnati on January 30, 1944 where the 20th Anniversary Celebration of the Daily Worker was being held and what you were doing there was distributing Communist literature.

Mr. TUSSEY. I assert my privilege under the fifth and under the first.

Mr. SOURWINE. Will you tell us, Mr. Tussey, who told you to distribute that Communist literature on that occasion at that place?

Mr. TUSSEY. I assert the privilege of the fifth and my rights under the first.

Mr. SOURWINE. Mr. Tussey, I show you a photocopy of a newspaper article which appeared in the Cleveland Plain Dealer of Monday, September 9, 1960. I ask you to look at that. I want you to tell the committee if the article is incorrect in any respect.

Mr. TUSSEY. I assert my privilege under the fifth.

Mr. SOURWINE. Mr. Chairman, may I offer this for the record?

Senator DODD. Yes, I want to see it.

It may be included and printed at this point in the record.

(The document referred to was marked "Exhibit No. 61" and reads as follows:)

#### EXHIBIT No. 61

[From the Cleveland Plain Dealer, Sept. 19, 1960]

#### AMERICANS ARE MISLED ABOUT CUBA, UNIONIST SAYS

"We in the United States have been given the wrong impression that the Cubans are Communists, that they are unfriendly to us and that the Cuban Government has confiscated property from the Catholic Church."

This was the report of Richard B. Tussey of Cleveland Heights, national representative of Mechanics Educational Society of America. AFL-CIO, speaking yesterday from the pulpit of the Unitarian Society of Cleveland.



"They don't hate us," he said. "Their antagonism is aimed against the monopolies that have kept them on a one-crop (sugar) economy. Actually, they want much friendlier relations with us."

Tussey and his wife recently returned from a 2-week vacation in Cuba. He said he went there to get a first-hand view of what was going on.

Contrary to reports, he said, the people of Cuba are free to criticize their government, both vocally and in the public press. He said the twice-weekly Havana Times is anti-Castro and Cubans talked freely about their government with him and Mrs. Tussey in stores, hotel lobbies and restaurants.

He told of seeing Fidel Castro in a hotel lobby, said the government leaders circulated without bodyguards in public and were eager to talk with persons from the United States.

They make a point, he continued, of reminding us that our Government refused aid Cuba sought in 1959. Now they need foreign trade to help build their industries; so they do business with whoever will trade with them, including Russia and East Germany, he went on.

Tussey said he was told by several Catholic priests sympathetic to the Castro government that, contrary to reports, none of the church's property in Cuba "has been touched" by the government.

He suggested that news reports from Cuba might be more authentic if correspondents from the United States circulated more throughout the island.

Tussey's answers to a reporter's questions were interrupted by a swarm of bees that entered the family's home at 3054 Euclid Heights Boulevard. Their 9-year-old daughter received eight stings and their dog "about 20," he said later. The daughter was treated by a physician who lives next door.

Mr. DAY. May we confer for one moment?

Senator DODD. Yes.

Mr. DAY. All right, sir.

Mr. SOURWINE. Mr. Tussey, referring to the matter of the mass meeting in connection with the Fawick strike, the meeting at which a resolution was presented, I will tell you that this resolution was presented by Hugh DeLacy, Ohio director of the Progressive Party and a man who has a Communist Party record. I will ask you: Do you know who DeLacy is?

Mr. TUSSEY. No, I assert the privilege of the fifth and the first.

Mr. SOURWINE. Mr. Tussey, I show you a photostat of a news story which appeared in the Cleveland Press of December 9, 1960. Will you look at that, please?

I ask you to read this news story and tell the committee if it contains any erroneous statements.

Mr. TUSSEY. I decline to answer under the fifth amendment and under the first amendment.

Mr. SOURWINE. I offer it for the record, Mr. Chairman.

Senator DODD. By the way, I read this article from the Cleveland Plain Dealer.

Let me ask you: Did you speak at this Unitarian Society or not?

Mr. TUSSEY. I think I have already answered that question.

Senator DODD. Well, did you? I didn't understand that you had been asked it. Maybe you were. Was he, Mr. Sourwine?

Mr. SOURWINE. I asked the question about speaking. I didn't ask it directly in connection with the clipping. After the question had been answered, I showed the clipping and asked the witness if there was anything in error.

Senator DODD. And he refused to answer the question.

Very well. I assume there are plenty of witnesses available who were there at that time.

Mr. SOURWINE. I believe it will be possible to locate them, sir.

Senator DODD. We can call them.

Very well, go ahead, Mr. Sourwine.

Mr. SOURWINE. May this be admitted?

Senator DODD. It may be admitted.

(The document referred to was marked "Exhibit No. 62" and reads as follows:)

#### EXHIBIT No. 62

[From the Cleveland Press, Dec. 9, 1960]

#### UNION LEADER HERE FORMING GROUP AIMED AT GIVING CUBA FAIR PLAY

Richard B. Tussey, a national representative for the AFL-CIO Mechanics Educational Society of America, doesn't believe Cuba under Fidel Castro is getting fair play from this country.

That is why he is forming a Cleveland chapter of the Fair Play for Cuba Committee. Tussey is a member of the national committee.

He says it is affiliated with the Institute for the Improvement of Inter-American Relations, which is chartered by the New York State Board of Education.

#### GIVES PURPOSE

The committee says its purpose is: "To disseminate truth, publish factual information which the U.S. mass media suppress \* \* \* and combat the ignorance, the inadequate leadership, the blatantly distorted reporting which we believe to constitute not merely a grave injustice to the Cuban people and a serious threat to their dream of a better life, but a serious threat, as well, to the free traditions of our people, our Nation, our hemisphere."

Tussey doesn't want anyone to get the idea that his union has any connection with his efforts on behalf of the committee.

#### MEET REPORTER

"I'm doing this on my own," he said. "The union has no connection with it."

Tussey, 42, became a member of the national committee after he met Robert Taber, one of its founders, during a visit to Cuba in April. Taber was working then as a newsman for the Columbia Broadcasting System. He is now the national committee's executive secretary.

Among those on the national committee, Tussey said, are: Author Waldo Frank; Carleton Beals, who has written books on Latin America; Samuel Shapiro, assistant professor of history at Michigan State University; I. F. Stone, journalist who publishes the I. F. Stone Newsletter; Kenneth Tynan, British journalist, and Richard Gibson, former CBS newsman.

Tussey visited Cuba again in August. He said: "I went there to see for myself what is going on."

#### FINDS CASTRO SUPPORT

"I found that Castro has the support of the overwhelming majority of the people. His opposition is from the wealthy who supported Batista and his corrupt gang.

"Not enough has been published about what Castro has done to improve the standard of living for peasants and workers. New schools are being built.

"Hospitals are being built and medical care is being provided in areas that never had these. Low-cost housing is under construction. The big estates, including those of Castro's own family, are being broken up and distributed.

"The people are hard working and enthusiastic. They have a feeling that they are accomplishing something for themselves under Castro instead of living under a regime like Batista's that ignored their needs."

#### DENY SATELLITE CHARGE

"I asked some if Cuba was in danger of becoming a satellite of Russia. The answer was: 'We were a satellite of the United States for 38 years. We don't intend to become a satellite of any country again.'"

What about the charge that Castro is a dictator?

"Castro is a dictator for the many, Batista was a dictator for the few who were plundering the country. Not even Castro's enemies claim that he and his regime are dishonest.

"I'm not in favor of dictators of any kind. It's my opinion that if Castro succeeds in consolidating his regime, the dictatorship will end in Cuba."

#### REVOLT WAS SOCIAL

"We must remember that Castro led a social revolution, not just a changing of the palace guards. He has moved quickly to consolidate his position as strongly as possible in the event of a counterrevolution by his enemies.

"It's my opinion that Castro sought aid from the Soviet bloc because of the cold shoulder received from the State Department when he sought help from the United States after he seized power.

"I think there's still a chance of wooing him away from the Soviet bloc if our attitude isn't frozen too hard."

#### ACTS AS CHAIRMAN

Tussey said the national committee has promoted local chapters in several other cities and student chapters at several colleges.

He is acting as chairman of the Cleveland chapter until it is permanently organized. Among persons interested in it are other labor leaders, educators, doctors and other professional workers, he said. Its office is in room 200, the Butchers Building, 2605 Detroit Avenue.

Tussey lives at 3054 Euclid Heights Boulevard, Cleveland Heights.

Mr. SOURWINE. Mr. Tussey, I show you a photostat of two news stories from the Cleveland press, one under the date of December 27, 1960, and the other under the date of December 28, 1960.

Will you look at this photostat, please? I ask you to tell the committee if there are any untrue statements in either of these two articles.

Mr. TUSSEY. I refuse to answer under the fifth.

Mr. SOURWINE. I offer these for the record, Mr. Chairman.

Mr. TUSSEY. Under the first.

Senator DODD. Yes, these may be admitted and printed.

(The documents referred to were marked "Exhibit Nos. 63 and 64" and read as follows:)

#### EXHIBIT No. 63

[From the Cleveland Press, Dec. 27, 1960]

#### LABOR LEADER TOURS CUBA

Richard B. Tussey, Cleveland labor leader, is among 342 Americans touring Cuba during the holidays on what the Cuban Government calls a good-will mission.

The tour, which includes many college students, is sponsored by the Fair Play for Cuba Committee. The committee chairman, Carleton Beals, writer on Latin-American affairs, is the tour leader.

Tussey, a national representative here of the AFL-CIO Mechanics Educational Society of America, is a member of the national committee and acting chairman of the local Fair Play for Cuba Committee.

#### GOES AS CITIZEN

He says he is acting as a private citizen and not as a union representative in his connection with the committee. The committee maintains that Cuba under Fidel Castro has not received fair play in the daily newspapers and other mass communications media.

Tussey lives at 3054 Euclid Heights Boulevard, Cleveland Heights. His wife said he is expected back next week. She said the 10-day tour cost \$100 per person for round-trip transportation from Miami and hotel and meals.

Among others on the tour are Sidney Lens, Chicago labor leader; Samuel Shapiro, assistant professor of history at Michigan State University; retired Gen. Hugh B. Hester; Scott Nearing, a writer for the Monthly Review; Vincent Hallinan, attorney for the International Longshoremans Union, and Lyle Stuart, identified as editor of the Independent, a weekly publication.



## EXHIBIT No. 64

[From the Cleveland Press, Dec. 28, 1960]

## UNION AIDE FIRED BEFORE CUBA TOUR

Richard B. Tussey, unionist who has been active in the Fair Play for Cuba Committee, has been dismissed as a national representative of the AFL-CIO Mechanics Educational Society of America.

Tussey, who is touring Cuba, was severed from the union's payroll December 12, Miss Elizabeth McCracken, MESA's national secretary, said. She was reached at the union's national headquarters in Detroit.

Miss McCracken said Tussey was given accrued vacation pay until January 1. Miss McCracken denied Tussey was fired because of his affiliation with the committee.

## BELIEVED UNION MEMBERS

She said, "His connection with the Cuba committee was not the reason. I don't want to discuss the reasons publicly. Let's say there was an accumulation of things that led up to it."

She said that she believes Tussey is still a member of MESA Local 72 but does not now hold a paid union job.

Tussey, 42, lives at 3054 Euclid Heights Boulevard, Cleveland Heights. He is acting chairman of the local Fair Play for Cuba Committee and is a member of the national committee. This group claims that Cuba under Fidel Castro is not getting fair play in this country from the daily newspapers and other mass communications media.

Mr. SOURWINE. Mr. Tussey, do you know Ed Shaw, Midwest representative of the Fair Play for Cuba Committee?

Mr. TUSSEY. I refuse to answer, exercise my privilege under the fifth and first.

Mr. SOURWINE. Do you know who pays Mr. Shaw?

Mr. TUSSEY. I refuse to answer under the fifth amendment.

Mr. SOURWINE. Mr. Tussey, did you ever use the facilities of your union to prepare material for the Socialist Workers' Party?

Mr. TUSSEY. I refuse to answer under the fifth amendment.

Mr. SOURWINE. Mr. Tussey, isn't it true that in 1952 you did use the facilities of your union to prepare mimeographed leaflets for the Socialist Workers' Party?

Mr. TUSSEY. I decline to answer. I exercise my privilege of the fifth amendment.

Mr. SOURWINE. Mr. Tussey, did you ever receive money from a source known to you to be foreign?

Mr. TUSSEY. No.

Mr. SOURWINE. Did you ever receive money from a Cuban source?

Mr. TUSSEY. Just a moment.

No.

Mr. SOURWINE. Did you ever receive money from a source connected in any way with Fidel Castro?

Mr. TUSSEY. Just a moment.

Senator DODD. You may confer with your lawyer before answering.

Mr. TUSSEY. To the best of my knowledge, I never have, I never did.

Mr. SOURWINE. Did you ever receive money from the Fair Play for Cuba Committee?

Mr. TUSSEY. Can you clarify the question, please?

Mr. SOURWINE. Did you ever receive money from the Fair Play for Cuba Committee?

Senator DODD. It is a pretty simple question. I don't know how it can be clarified.

Mr. DAY. Can you explain the ambiguity? You mean on a personal basis?

Senator DODD. How else can he receive it?

Mr. DAY. He might have received it in an official capacity.

Mr. SOURWINE. The question is if the man received money. He can then explain in what capacity he received it. When a man receives money it is perfectly plain. It may require explanation as to why or who.

Mr. DAY. This is what I didn't understand.

Senator DODD. He can explain any answer, counsel, as fully as he wants to.

Mr. TUSSEY. Just a moment. May I confer?

Senator DODD. Yes.

Mr. TUSSEY. I personally never received any money from the Fair Play Committee.

Mr. SOURWINE. The Fair Play for Cuba Committee?

(Mr. Tussey nods head affirmatively.)

Mr. SOURWINE. Did you ever receive any money from Richard Gibson?

Mr. TUSSEY. I personally never did.

Senator DODD. Did anyone receive it in your behalf?

Mr. TUSSEY. May I confer?

Senator DODD. Yes, you may confer with your lawyer again.

Mr. TUSSEY. There was never any money received in my personal behalf by me or anybody else as far as I know.

Mr. SOURWINE. Well, money received in your personal behalf is different from money received by you personally. I don't know how you could receive money other than personally if you received it. It would be you personally who was receiving it.

Now, without regard to the question of what it was for——

Mr. DAY. I understand, Senator, I have a right to object to anything besides documents. I think I ought to object to that gratuitous statement by counsel. That isn't anything but his own personal interpretation.

Senator DODD. I think counsel is trying to explain.

Mr. SOURWINE. I am trying to explain this question so the witness may be perfectly clear on what is being asked.

In the connotation in which this question is asked and in which we hope it will be answered, I am talking about money which was handed or otherwise transmitted to you, regardless of what the purpose of the money may have been or what its intended use may have been, and I am asking whether, in that connotation, you received money from Richard Gibson.

Mr. TUSSEY. Would you please repeat that question?

Mr. SOURWINE. Would you read it back?

Mr. TUSSEY. Just a moment. I assert the privilege under the fifth.

Mr. SOURWINE. In the same connotation——

Senator DODD. Wait a minute, Mr. Sourwine. I want to hear that question read again.

(The question was read by the reporter.)

Senator DODD. Mr. Sourwine, repeat the question.

Mr. SOURWINE. I will repeat the question.

I am asking you this question, using the word "received" in the sense of whether it came to you in person through the mail or by any other means of transportation or transmission, and without regard to any question of its purpose or its ultimate intended use, and using the word "received" in that sense, did you ever receive any money from Richard Gibson?

Mr. TUSSEY. Just a moment.

Senator DODD. You may confer, if you want to confer with your lawyer you may do so again.

Mr. TUSSEY. I am afraid that I will have to assert my privilege under the fifth.

Mr. SOURWINE. Using the word "received" in exactly the same sense, did you ever receive any money from Robert Taber?

Mr. TUSSEY. I assert my privilege under the fifth.

Mr. SOURWINE. Using the word "received" in the same sense, did you ever receive money from Fidel Castro?

Mr. TUSSEY. I will have to assert my privilege under the fifth amendment.

Senator DODD. You think this is funny, Mr. Tussey? We don't. This is quite a serious matter and I wish you would refrain from laughing or joking.

Mr. TUSSEY. I am not laughing and joking.

Senator DODD. Yes, you are. Everyone heard and saw you. I am going to ask you to conduct yourself as a gentleman.

Mr. TUSSEY. I am conducting myself as a gentleman.

Senator DODD. This is a serious matter.

Mr. TUSSEY. I realize the seriousness of it.

Senator DODD. It involves the security of the United States and we don't want you to treat it as a joke and I am ordering you not to proceed.

Mr. DAY. May we have a short conference? Just 1 second.

Senator DODD. Let the record show that counsel has asked to confer with his witness after I made that statement.

Mr. TUSSEY. The answer to that last question is "No."

Mr. DAY. So the record is clear, he is withdrawing the privilege under that question, sir.

Senator DODD. Very well.

Go ahead, Mr. Sourwine.

Mr. SOURWINE. Mr. Tussey, you have testified that you did not receive money from a source known to you to be foreign; that you did not receive money from the Fair Play for Cuba Committee. I will tell you that it is well known that Mr. Robert Taber is executive secretary of the Fair Play for Cuba Committee; that Richard Gibson is acting executive secretary of the Fair Play for Cuba Committee, and also that there is sworn testimony that the Fair Play for Cuba Committee received substantial sums of money from an official of the Cuban Government, to wit, Raul Roa, Jr.

In this connotation, I seriously question whether, having given the answers you did with respect to the question of whether you received money from the Fair Play for Cuba Committee or from a Cuban source, you are entitled to claim privilege with respect to the questions if you received money from Richard Gibson and Robert Taber.



I think these questions are fair tests of the credibility of your prior answers and for this reason I ask that the Chair order and direct that these two questions be answered.

Senator DODD. Yes, and I am of the same opinion that the subject is now opened and that you are required to answer this question. The Chair instructs you to answer it and orders you to answer the question.

Mr. TUSSEY. Which question?

Mr. SOURWINE. The two questions, whether you received money from Robert Taber, whether you received money from Richard Gibson.

Mr. TUSSEY. I assert my privilege under the fifth amendment.

Mr. SOURWINE. Mr. Tussey, have you publicly stated your belief that a socialist revolution is coming in this country?

Mr. TUSSEY. I assert the privilege, my privilege under the first.

Mr. SOURWINE. Were you ever connected with the IWW?

Mr. TUSSEY. I assert my privilege under the fifth and under the first.

Mr. SOURWINE. Were you in Cincinnati, Ohio, on January 4, 1941?

Mr. TUSSEY. I assert the privilege of the fifth.

Mr. SOURWINE. Isn't it true that you were there and that you were, on that date, arrested in Cincinnati?

Mr. TUSSEY. I assert the privilege of the fifth.

Mr. SOURWINE. Isn't it true, Mr. Tussey, that you were arrested in Cincinnati, Ohio, on January 4, 1941, for circulating a petition for the Communist Party to be placed on a ballot.

Mr. TUSSEY. I assert the privilege of the fifth and the first.

Mr. SOURWINE. Will you tell us, Mr. Tussey, who asked you to circulate the petition for the Communist Party?

Mr. TUSSEY. I assert the privilege of the fifth amendment.

Mr. SOURWINE. Mr. Tussey, on August 14, 1943, at a meeting in Gordon Park, Cleveland, were you not arrested for violation of municipal ordinances?

Mr. DAY. What is the date, sir?

Mr. SOURWINE. August 14, 1943.

Mr. TUSSEY. Can I?

Senator DODD. The reporter puts down what you say. I notice you have a signal for asking a conference with your lawyer. This has happened several times. It doesn't appear on the record that you addressed the chair.

Mr. TUSSEY. It is a habit of mine.

Senator DODD. Of course you may confer with your lawyer.

Mr. TUSSEY. May I consult with my lawyer?

Senator DODD. Of course.

Mr. TUSSEY. I decline to answer that, exercising my privilege under the fifth amendment and under the first.

Mr. SOURWINE. Mr. Tussey, have you ever been indicted?

Mr. TUSSEY. I assert the privilege of the fifth amendment and decline to answer.

Mr. SOURWINE. Isn't it true that you were indicted in Hamilton County, Ohio, September 25, 1940, for violating election laws and circulating fraudulent petitions and that you pled guilty to this offence and received a sentence of 4 months in jail and were granted probation?

Mr. DAY. Mr. Chairman, I don't want to interrupt but I think I must enter an objection, unless it is shown that this is a felony, under well-known grounds that misdemeanors are not the basis for impeachment.

Senator DODD. This is not a judicial proceeding. This is a hearing to ascertain the facts and we are not bound by those rules.

Mr. DAY I suppose so, but I want to make the record clear on this point. It is not a felony.

Senator DODD. I understand, counsel, and the question will be allowed and Mr. Witness, what is your answer?

Mr. TUSSEY. I assert the privilege of the fifth.

Mr. SOURWINE. I might state for the record, Mr. Chairman, the question didn't go to the credibility of the witness. The question went to the fact of whether he was the Richard Tussey who was so indicted and who so pled and who was so sentenced.

Senator DODD. I so understood the purpose.

Mr. SOURWINE. Where did you live in 1941, Mr. Tussey?

Mr. TUSSEY. I assert the privilege of the fifth and the first.

Mr. SOURWINE. I put it to you as a fact and ask you to deny if it is untrue that in 1941 you lived at 104. Isn't that true?

Senator DODD. 104?

Mr. TUSSEY. 104 what?

Mr. SOURWINE. Wasn't your house number 104 in Cincinnati in 1941?

Mr. DAY. I think I will object to this on the vagueness and uncertainty about the question.

Mr. SOURWINE. There is nothing vague about what number is on a man's house.

Mr. TUSSEY. In Cincinnati?

Mr. SOURWINE. In 1941, didn't you live in Cleveland in a dwelling that had the number 104 on the front?

Mr. DAY. Cleveland or Cincinnati?

Mr. SOURWINE. Cleveland.

Mr. DAY. Before, you said Cincinnati.

Mr. SOURWINE. I meant Cincinnati.

Mr. TUSSEY. I assert the privilege of the fifth as I understand it.

Mr. SOURWINE. Mr. Tussey, are you a member of the Socialist Workers Party?

Mr. TUSSEY. May I confer with my attorney?

Senator DODD. Yes.

Mr. TUSSEY. I assert the privilege of the fifth and my rights on the first.

Mr. SOURWINE. Mr. Tussey, were you ever arrested on a charge of larceny?

Mr. TUSSEY. I assert the privilege of the fifth amendment.

Mr. SOURWINE. I put it to you as a fact and ask you to deny it if untrue, that you were arrested on a charge of larceny in Cincinnati, Ohio, on September 30, 1940.

Mr. TUSSEY. I assert my rights under the fifth amendment and refuse to answer.

Senator DODD. What was the disposition of that charge, Mr. Sourwine?

Mr. SOURWINE. Mr. Chairman, I do not have the record as to the disposition of that charge. I would be very happy to have the witness testify.

Will you tell us what the disposition of that charge was, Mr. Tussey?

Mr. TUSSEY. May I confer?

Senator DODD. Of course.

Mr. TUSSEY. I assert the privilege of the fifth.

Senator DODD. May I interrupt?

Oftentimes, if a man is charged with something, there is nothing to the charge and I don't want it to appear on the record that we are just throwing in charges. That is why I asked counsel, who doesn't know what the disposition was, whether it was dropped or the defendant was found not guilty. If the charge was found to be baseless, it ought to be in the record. That is the only purpose I had in asking the question.

Go ahead, Mr. Sourwine.

Mr. SOURWINE. Mr. Tussey, did you ever attend classes of the Socialist Workers Party?

Mr. TUSSEY. I assert the privilege of the fifth and the first.

Mr. SOURWINE. I put it to you as a fact and ask you to deny it if it is untrue that you did attend such classes; that you specifically attended a class in the history of the American Revolution, October 1951, and a class in the history of Trotskyism, September 1952.

Mr. TUSSEY. I assert the privilege of the fifth amendment.

Mr. SOURWINE. Were you in Cleveland, Ohio, in July of 1942?

Mr. TUSSEY. I assert the privilege of the fifth.

Mr. SOURWINE. Did you make speeches in public parks in Cleveland in that month?

Mr. TUSSEY. I assert the privilege of the fifth amendment and the first.

Mr. SOURWINE. Mr. Tussey, isn't it true that on July 22, 1942, you threatened to sue the then mayor of Cleveland, Frank J. Lausche, or any members of the police department of Cleveland who interfered with your activities in making appearances in public parks in Cleveland?

Mr. TUSSEY. I decline to answer under the fifth amendment and the first.

Mr. SOURWINE. Mr. Tussey, did you ever apply for a position with a civil defense organization?

Mr. TUSSEY. I assert the privilege of the fifth.

Mr. SOURWINE. Mr. Tussey, did you, in March 1943, speak at the Paris commune celebration in honor of the French workers' struggle for liberty?

Mr. DAY. What was that date, sir?

Mr. SOURWINE. March of 1943.

Mr. TUSSEY. I decline to answer under the fifth amendment and assert my privilege under the first.

Mr. SOURWINE. Will you tell us how it came about that you were in Paris on that date?

Mr. DAY. Excuse me, Mr. Chairman.

I think the witness was confused about the way he was asserting his rights at that point. He said his privilege under the first. I want the record to show he meant under the fifth, not the first amendment.



Senator DODD. Very well.

Mr. SOURWINE. I show you, sir, a photostatic page of the publication of Fair Play for Cuba published by the Fair Play for Cuba Committee, 799 Broadway, New York, N.Y., Richard Gibson, editor. This is the issue of May 10, 1961.

Now I call your attention to the last paragraph on this page which reads:

Demonstrations and picket lines also took place in Cleveland, Seattle, New Haven, Baltimore, Washington, Oberlin College, the University of Wisconsin, Ann Arbor, and Minneapolis, Toronto, Ottawa, and Montreal.

Referring specifically to the statement respecting demonstrations and picket lines in Cleveland, I will ask you to tell us what part you played in the planning or execution of those demonstrations and picket lines in Cleveland.

Mr. TUSSEY. May I consult?

Senator DODD. Yes, of course.

Mr. TUSSEY. I decline to answer, exercising my privilege under the fifth amendment.

Mr. SOURWINE. May this go into the record?

Senator DODD. It may be included and printed in the record.

(Document referred to was marked "Exhibit No. 65" and the article reads as follows:)

#### EXHIBIT No. 65

[From Fair Play, May 10, 1961, p. 8]

#### FPCC DURING INVASION

FPCC's immediate response in New York to the CIA invasion was to organize mass demonstrations outside the United Nations. The demonstrations started on April 17 with 2,000 persons and continued through the week. On April 21, a mass rally of 5,000 in Union Square climaxed the daily picketing.

An indoor rally on April 20 called by the newly formed Brooklyn chapter of the New York FPCC drew an enthusiastic crowd of more than 500 persons.

In a seven-column ad in the New York Times of April 21 titled "An Appeal to Americans," FPCC called for united action against the U.S. Government's flouting its own and international laws in aiding the Cuban invasion. This ad was refused by the St. Louis Post Dispatch and by all four Chicago dailies.

Over 500 persons turned out on April 28 for a banquet celebrating the first anniversary of FPCC. Though tickets cost \$7.50 each, numerous guests were satisfied with SRO accommodations.

On April 29, an advertisement released by FPCC and signed by 27 prominent Negroes appeared in the Baltimore Afro-American, the largest Negro newspaper in the United States with a circulation of 160,000. The ad declared, "Today, thanks to a social revolution which they helped make, Afro-Cubans are first-class citizens and are taking their rightful place in the life of the country where all racial barriers crumbled in a matter of weeks following the victory of Fidel Castro."

The New York FPCC distributed over 300,000 leaflets including 100,000 "Stop the Attack" leaflets.

On April 20 in Boston, 200 pickets paraded on the historic Common. One sign they carried asked tongue in cheek, "Is the CIA our Peace Corps?"

Philadelphia was the scene of violence against a FPCC picket line by hecklers and plainclothes cops. They arrested four pickets in the scuffle, none of the attackers. The ACLU is aiding FPCC-retained defense lawyers.

Even in Florida, the focus of counter-revolutionary activities of the CIA hirelings, FPCC organized a picket line in Tampa of 100 persons to protest the invasion.

Detroit's Federal building was picketed by 150 FPCC supporters on April 20. The demonstration rated back page coverage by the "free" press while a counter demonstration by 22 anti-Castroites got headline treatment on page one.

Despite inclement weather, a rally in San Francisco's civic center on April 22 ended with mass picketing of the Federal building, a march through the downtown area, and picketing at the Hearst Examiner. Longshoremen and other unionists, as well as students, joined the line.

In Los Angeles, Fair Play organized a 3-day demonstration at the Federal building beginning April 17. Pickets greeted news of the setback to U.S. imperialism by the Cuban people with a march through the downtown section shouting, "Hands Off Cuba."

Chicago pickets outside the Federal building numbered 300 on April 20, despite heavy rain. On Saturday the 22d, a much longer line carried signs declaring, "We Don't Want to Die for United Fruit Co."

Student chapters of FPCC across the Nation were out in force, too. Antioch students traveled to Columbus to picket the State capitol. At Cornell, over 500 students attended a protest meeting. In San Francisco, a Bay Students Committee to Oppose U.S. Intervention in Cuba, representing at least five college campuses, was formed immediately upon news of the invasion. With FPCC support, it staged campus demonstrations on April 18. On April 20, a Union Square rally drew 2,000 persons.

Demonstrations and picket lines also took place in Cleveland, Seattle, New Haven, Baltimore, Washington, Oberlin College, the University of Wisconsin, Ann Arbor, and Minneapolis, Toronto, Ottawa, and Montreal.

MR. SOURWINE. I show you, Mr. Tussey, a photostat of a clipping from the Cleveland Plain Dealer of May 26, 1961, being a letter to the editor over the signature of Richard Gibson, acting executive secretary, Fair Play for Cuba Committee.

I will ask you if you have seen the article of which that is a photostat, or a copy of the publication of which that is a photostat?

MR. TUSSEY. I assert the privilege of the fifth amendment.

MR. SOURWINE. I have a couple of questions about this, Mr. Chairman. First, I offer this for the record.

Senator DODD. Yes, it can be included and printed.

(Document referred to was marked "Exhibit No. 66" and reads as follows:)

#### EXHIBIT No. 66

[From the Cleveland Plain Dealer, editorial page, May 26, 1961]

#### FUNDS PAID FOR TOUR

*Editor Plain Dealer.*

SIR: The editorial writers of the Plain Dealer apparently are more eager to push forward their opinions than they are to check the facts. In an editorial entitled "Fair Players Get Gypped" (May 22), these gentlemen asserted that Robert Taber, executive secretary of the Fair Play for Cuba Committee, "skipped out of the country with \$19,000" of FPCC funds. The Plain Dealer also accused Mr. Taber of going "to Cuba to avoid prosecution for perjury."

As acting executive secretary of FPCC during Mr. Taber's absence, I would like to set the record straight. The \$19,000 was withdrawn in cash in December 1960 to pay for the Christmas tour to Cuba of 342 Americans; the money had to be sent to Cuba in cash because no U.S. bank would transfer the funds directly to a Cuban bank. The national office of the Fair Play for Cuba Committee—at 799 Broadway, New York—has proper receipts from Cuban tourism officials covering this sum. I personally explained this matter to the Eastland Internal Security Subcommittee in Washington on May 16, and both the AP and UPI dispatches from Washington on May 17 contained this simple explanation. The New York Times published the AP dispatch in its late city edition May 18, but to the best of my knowledge, the Plain Dealer never carried either the AP or UPI dispatch. Nevertheless, carefully overlooking the facts, it apparently felt called upon to try to smear our committee.

As for Mr. Taber going to Cuba "to avoid prosecution for perjury," surely even the editorial writers of the Plain Dealer must be aware that Mr. Taber has never been charged with perjury. Indeed, all of the wild charges of the Eastland subcommittee against FPCC have been on the order of the Plain Dealer editorial: hot air without a shred of truth. The Fair Play for Cuba Committee

has more than 8,000 members and supporters throughout the United States—with a strong local chapter in Cleveland. FPCC continues to grow stronger each day, not because some Americans are "gullible," as the Plain Dealer would have its readers believe, but rather because many Americans are not gullible enough to be taken in by the lies and half-truths of the Eastland subcommittee and the newspapers, such as the Plain Dealer, which support these vicious inquisitors.

RICHARD GIBSON,  
*Acting Executive Secretary,  
Fair Play for Cuba Committee.*

Mr. DAY. Now let the record show an objection on the ground that this is hearsay as to this witness.

Mr. SOURWINE. There is nothing in this item which binds the witness. This is the item which was shown him and on which he declined to answer a question as to whether he had seen it.

I do now have a couple of questions about it.

Senator DODD. Yes.

Mr. SOURWINE I will state, Mr. Chairman, that, in essence, this letter from Mr. Gibson, which was printed in the Plain Dealer is a defense of the Fair Play for Cuba Committee.

Senator DODD. Yes.

Mr. SOURWINE. He makes, as the Chair has noted, specific reference to an item of \$19,000 withdrawn in cash by Mr. Taber and refers to an editorial which spoke of Mr. Taber's having skipped out of the country with \$19,000.

Mr. Gibson's letter then goes on to state that this money was withdrawn to pay for the Christmas tour to Cuba of 342 Americans. He neglects to state that the record of the committee hearing at which Mr. Gibson himself testified, showed that there was another item of between \$18,000 and \$19,000 which was a check drawn to an airline, presumably to pay for this same item.

Senator DODD. Yes.

Mr. SOURWINE. What I want to ask this witness about specifically is the statement of Mr. Gibson that the Fair Play for Cuba Committee has more than 8,000 members and supporters throughout the United States with a strong, local chapter in Cleveland.

Now, is that statement true that there is a strong local chapter of the Fair Play for Cuba Committee in Cleveland?

Mr. TUSSEY. I assert the privilege of the fifth amendment.

Mr. SOURWINE. Mr. Tussey, I show you a photostat, two photographs purporting to be photographs of you, one front view and one side view and I will ask you if those are photographs of you.

Mr. TUSSEY. May I confer?

Senator DODD. Well, let the record show that you have been conferring for several minutes. It is all right, but I just wish you would ask us so the record is clear about this.

Of course, you may have more time.

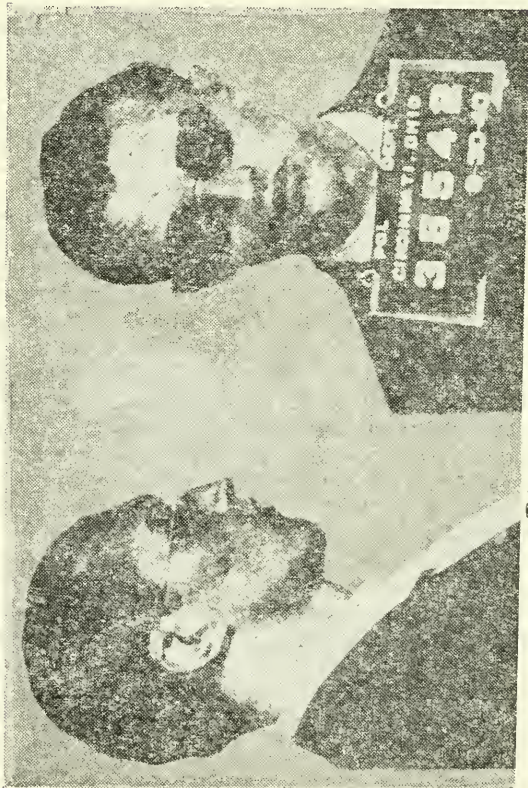
Mr. TUSSEY. I decline to confirm or deny it because I am not sure.

Senator DODD. Then the document may printed at this point in the record.

(Document referred to was marked "Exhibit No. 67" and is reproduced on an adjoining page.)



(Attached the Daly's Report of July 22, 1943, is a copy of a letter that the subject sent to the Mayor of Cleveland-Frank Lausche-in which he threatens to sue the Mayor or any member of the Police Department who interferes with his activities while making public appearances in the Parks.)



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RICHARD B. TUSSEY

### Report of Daly, July 22, 1943

On Aug. 14, 1943 the above named spoke at a meeting held at Gordon Park under the Auspices of the Socialist Labor Party. He was arrested for violating Sec. 2127 of the Municipal Code. He appeared in court represented by Louis Kaufman, Attorney at 1090 Union Commerce Bldg. Attorney Kaufman stated that he was acting in the absence of Attorney David Stone who will represent Tussey at his trial Sept. 8, 1943. (See special file on Tussey)

Mr. SOURWINE. We have one photograph in the record.

Mr. TUSSEY. I assert my privilege of the fifth.

Mr. DAY. That is in connection with the photograph.

Senator DODD. Yes.

Mr. SOURWINE. Do you know Sergeant Ungvary of the subversive squad in Cleveland?

Mr. TUSSEY. I assert the privilege of the fifth.

Mr. SOURWINE. May we ask Sergeant Ungvary to come in?

Senator DODD. Yes.

Come right in, sir.

Mr. SOURWINE. Mr. Tussey, will you look at this gentleman who has just come in and is sitting on the chairman's right. Do you know him?

Mr. TUSSEY. May I confer?

Senator DODD. Yes, if you want a chance to talk to your lawyer you may have it.

Mr. SOURWINE. Mr. Chairman, while this conference is going on I will ask that Sergeant Ungvary be sworn.

Senator DODD. Yes. Stand and raise your right hand, please.

Do you solemnly swear that the testimony you give before the subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. UNGVARY. I do.

Mr. SOURWINE. Have you completed your conference?

Mr. TUSSEY. Yes, and I assert the privilege of the fifth amendment of the Constitution.

Mr. SOURWINE. Sergeant Ungvary, give your full name for the record.

#### TESTIMONY OF JOHN J. UNGVARY

Mr. UNGVARY. John J. Ungvary.

Mr. DAY. May I make an inquiry of the Chair at this time?

Senator DODD. Yes. But let us get his address first, counsel.

Mr. UNGVARY. 17103 Stockbridge Avenue, Cleveland 28, Ohio.

Mr. SOURWINE. Your business or profession?

Mr. UNGVARY. A member of the Cleveland Police Department, assigned to the Bureau of Special Investigations with the rank of sergeant of police.

Senator DODD. Very well.

Mr. DAY. Just an inquiry for the record. Will there be a privilege of cross-examination of this witness?

Senator DODD. No. But if you have any questions that you want asked, you can request the Chair that they be asked. But this is not an adversary proceeding and it is a factfinding hearing.

Mr. DAY. I just want the record clear.

Senator DODD. If you have any questions you would like to ask Mr. Day, I will certainly entertain the request.

Mr. SOURWINE. Sergeant, do you know this man who has just refused to answer a question as to whether he knows you?

Mr. UNGVARY. Yes, I do.

Mr. SOURWINE. Who is he?

Mr. UNGVARY. Richard Berlin Tussey.

Mr. SOURWINE. Do you know him as a member of the Cleveland chapter of the Fair Play for Cuba Committee?

Mr. UNGVARY. Yes.

Mr. SOURWINE. Do you know what office, if any, he holds in that chapter?

Mr. UNGVARY. The chairman of the Cleveland chapter.

Mr. SOURWINE. Do you know if he is presently chairman or if he has recently stepped down from that job?

Mr. UNGVARY. So far as I know he is still the chairman.

Mr. SOURWINE. Did you know that he was chairman at recent date?

Mr. UNGVARY. Yes, sir.

Mr. SOURWINE. I have no more questions of Mr. Ungvary.

Did counsel for the witness want to place any questions?

Mr. DAY. Just one, Mr. Chairman, if I may.

Do you know—I believe you qualified your answer, Mr. Ungvary—but do you know if Mr. Tussey is presently chairman of the Fair Play for Cuba Committee?

Senator DODD. That is all right. I think that is a fair question.

Mr. UNGVARY. I believe that he still is.

Mr. DAY. If I said to you that he was not, would you deny it?

Mr. UNGVARY. No, I would not deny it.

Mr. DAY. That is all.

Mr. SOURWINE. Mr. Tussey, do you wish to deny that you are presently chairman of the Fair Play for Cuba Committee?

Mr. TUSSEY. May I confer?

Senator DODD. Yes, you may confer with your lawyer.

Mr. TUSSEY. I assert the privilege of the fifth amendment. I don't want to waive my privilege.

Mr. SOURWINE. I have no more questions of Mr. Tussey.

Senator DODD. Mr. Tussey, did you ever receive any check or any other thing of value from the Fair Play for Cuba Committee—and by other thing of value I mean something like an airline ticket or railroad ticket or bus ticket or a ticket for transportation of any kind?

Mr. TUSSEY. May I confer?

Senator DODD. Yes, of course, you may confer.

Mr. TUSSEY. I assert my privilege under the fifth.

Mr. SOURWINE. Following up the chairman's question in that regard, Mr. Tussey, isn't it true that you received a check in the amount of \$720, dated May 2, 1961 signed by Richard Gibson, drawn on the account of the Fair Play for Cuba Committee in Chase National Bank, the Fifth Avenue Branch, New York City?

Mr. DAY. May I have that date?

Mr. SOURWINE. May 2, 1961.

Mr. TUSSEY. May I confer?

Senator DODD. Yes.

Mr. TUSSEY. I assert the privilege of the fifth.

Mr. SOURWINE. I want to point out to you, Mr. Witness, because we don't want to trick you, that this record shows your testimony to be that you did not receive money from the Fair Play for Cuba Committee. Now a check is money. This check exists. It will be possible to demonstrate who endorsed it. It will be possible to demonstrate who deposited it and to what account, and if you desire to make any change in your testimony as it stands in the record, you should have that chance now.



Mr. DAY. Mr. Chairman, may I suggest that the testimony shows at this point that Mr. Tussey has not received any money personally, that was used by him personally, and that is the meaning of it.

Senator DODD. I think this is quibbling, and I think everyone in the room knows it. It was very clearly understood by everyone here what counsel was asking and the purpose of his question.

Now I think he has been very fair in pointing out to this witness just what is involved here and I think the witness clearly understands what is involved here and we all heard his answer that he never received any money and he went so far as to spell it out, I thought, in some detail.

Now he has been told that there are documents available here and he has been told that if he wants to correct his testimony, he now has an opportunity to do so. Now he can do what he wants to and I am sure Mr. Day is a competent lawyer and you know what is involved here.

Mr. DAY. I certainly do, and that is the reason I wish we could have the record read on that point. I think it is clear. If it is not clear we can clarify it.

Mr. SOURWINE. Mr. Chairman, we can't clarify the record except by a statement by the witness.

Mr. DAY. I didn't suggest we would. I felt we might read it and see what it was.

Senator DODD. We are going pretty far in this trying to give this witness a chance to tell the truth, and I think this hasn't been any very long drawn-out session. I think he has clearly understood the question.

He has been very sharply reminded that there is proof available. I think that is about all we are required to do. I don't think we are required to do that, but we have done it.

Now he can do what he wants to and we are not going to do any more. If he has anything to say now is the time to say it.

Mr. DAY. May I confer with him?

Senator DODD. Yes.

Mr. TUSSEY. My answer is that I testified that I never received any money for personal use.

Mr. SOURWINE. Well, did you receive money for the use of the Fair Play for Cuba Committee, Cleveland chapter?

I will rephrase the question.

Did you ever receive money or checks from the Fair Play for Cuba Committee, New York, for the use of the Fair Play for Cuba, Cleveland chapter?

Mr. TUSSEY. I would like to confer for a moment.

Senator DODD. You know, this is all right, all these conferences, but you know it does suggest to me that the witness is not being direct and truthful with this committee and I am not going to permit him to toy with us.

Now these questions are pretty simple and we have gone to some pains to give you an opportunity to tell the truth.

I will ask you a question. Have you ever received any money for your own use or for the use of anybody else or for any purpose of any kind whatsoever from the Fair Play for Cuba Committee? And answer yes or no.

Mr. TUSSEY. I assert the privilege of the fifth.

Senator DODD. Very well. That is the record.

Mr. SOURWINE. Mr Chairman, the witness having already answered that question on the record, is not entitled to assert the privilege of the fifth amendment when he is asked again.

Senator DODD. I am confident that is so, and the Chair instructs you to answer the question.

Mr. DAY. The question you asked included several points as to which the witness previously had testified singularly. If it were not a double-or triple-barreled question——

Senator DODD. You want me to ask it out in detail? I will let counsel do it.

Mr. DAY. I think we can answer the last question counsel put.

Mr. SOURWINE. I am satisfied with the record, if the witness will respond to the chairman's questions.

Senator DODD. The Chair so instructs and orders the witness.

Mr. TUSSEY. I assert the privilege of the fifth amendment.

Senator DODD. Very well.

Mr. SOURWINE. I have no more questions of this witness. He can be excused.

Senator DODD. I want to say for the record, Mr. Day, that what I said about the witness' deportment in no way reflects upon you. I think you conducted yourself very creditably here and have been entirely courteous and competent in every respect and I appreciate your conduct before the committee.

Mr. DAY. Thank you, sir.

Mr. TUSSEY. Am I free to go now?

Mr. SOURWINE. Yes.

Senator DODD. We have no further questions.

Mr. DAY. Senator Dodd, may I make a inquiry about the state of the record?

If I understand the rules we are not entitled to buy a copy of the record until it is made public. Am I correct in that?

Mr. SOURWINE. It may never be made public. You are, however, entitled to access to this record, you or your client at any reasonable time in the committee's rooms.

Mr. DAY. I see.

Senator DODD. If we decide to make this record public, you will be given an opportunity to see it in advance of its publication.

Mr. DAY. For pay, I assume?

Mr. SOURWINE. The committee will furnish you a copy.

Mr. DAY. Fine.

Mr. SOURWINE. And receive any corrections or revisions that you want to make.

Mr. DAY. In the meantime, are we restricted in our rights? I know newspapermen will be around. Are we restricted in our right to comment? I am not talking about me but Mr. Tussey.

Mr. SOURWINE. You should know the committee will not discuss this record. They will not even confirm or deny that the witness has appeared. The witness is perfectly free to say whatever he wishes in this regard.

Senator DODD. Unless the committee decides to make it public.

Mr. SOURWINE. Unless by majority vote they decide to make it public.

Mr. DAY. I was curious if we were under restriction in the meantime.

Senator DODD. No.

Mr. SOURWINE. Call Mrs. Jean Tussey.

Senator DODD. Mrs. Tussey, you were sworn yesterday so there is no need of administering another oath.

### TESTIMONY OF MRS. JEAN TUSSEY—Resumed

Mr. SOURWINE. Mrs. Tussey, do you know this gentleman on my left?

Let the record show that I am indicating Sergeant Ungvary.

Mr. DAY. May we have one moment?

Senator DODD. Of course.

Mr. SOURWINE. Would you answer the question? Do you know Sergeant Ungvary, the man on my left?

Mrs. TUSSEY. I assert my privilege under the fifth amendment of the Constitution.

Mr. SOURWINE. Sergeant Ungvary, do you know this lady?

Mr. UNGVARY. Yes, I do.

Mr. SOURWINE. Who is she?

Mr. UNGVARY. Mrs. Jean Tussey.

Mr. SOURWINE. Do you know her as a member of the Fair Play for Cuba Committee, Cleveland chapter?

Mr. UNGVARY. From information acquired, I know her to be a member.

Mr. SOURWINE. You know her to have attended meetings of that committee?

Mr. UNGVARY. Yes.

Mr. SOURWINE. I have no more questions, Mr. Chairman, and in view of the extreme shortness of time I respectfully suggest that, as Sergeant Ungvary has to get back, we proceed with the identification of one more witness by him and then recess. We will arrange to complete the testimony of the other witnesses this afternoon.

Mr. DAY. Senator, just for the record, and I am not trying to interrupt, I won't object to the last answer because he clearly says in it that it is from information acquired and therefore not from his own knowledge.

Senator DODD. I think he answered with respect to whether or not she was.

Mr. SOURWINE. The attendance of Mrs. Tussey at the meetings is to your personal knowledge?

Mr. UNGVARY. Yes.

Mr. DAY. But as to her membership, I think he said as to other sources.

Mr. SOURWINE. The record will speak for itself.

Mr. DAY. My objection will stand.

Mr. SOURWINE. We can temporarily excuse Mrs. Tussey.

Senator DODD. All right.

Mr. SOURWINE. Until 2:30 this afternoon.

Senator DODD. Do you have somebody else coming in right away?

Mr. SOURWINE. Yes.

Will you return at 2:30, please, Mrs. Tussey? All the other witnesses can return at 2:30 except Mr. Kirsch.



Senator DODD. You had a third client?

Mr. DAY. Mr. Levey.

Mr. SOURWINE. For the purpose of this very brief session now it is merely one of identification. The chairman has to leave. We will have to ask, after a couple of minutes here, that your client come back at 2:30.

You have been sworn, Mr. Kirsch?

### TESTIMONY OF HERMAN KIRSCH

Mr. KIRSCH. Yes, I have.

Mr. SOURWINE. The gentleman on my left is Sergeant Ungvary of the Cleveland (Ohio) Police Department. Do you know him?

Mr. KIRSCH. I must decline to answer that question on constitutional grounds that I cannot be compelled to be a witness against myself.

Mr. SOURWINE. Sergeant Ungvary, do you know Mr. Kirsch?

Mr. UNGVARY. Yes.

Mr. SOURWINE. Do you know him as a man who, to your personal knowledge, has attended the meetings of the Fair Play for Cuba Committee in Cleveland?

Mr. UNGVARY. Yes.

Mr. SOURWINE. I have no more questions, Mr. Chairman.

Senator DODD. All right, that is all.

Mr. SOURWINE. We will take them again at 2:30 this afternoon.

Mr. FAULKNER. May I have the name of the witness who did the identifying?

Mr. UNGVARY. Sgt. John J. Ungvary.

Mr. FAULKNER. And you are?

Senator DODD. The testimony was given and you were here, counselor. He is a member of the Cleveland Police Department. Address your questions to me, please, and not to the witness.

Mr. FAULKNER. Also for the record, I raise a question of the quorum at this particular hearing.

Senator DODD. State your answer, Mr. Sourwine.

Mr. SOURWINE. Well, the question was raised. The committee has authority to sit. The witness has been furnished with a copy of the handbook which shows the authority of the committee to sit with one member for the purpose of swearing witnesses and taking testimony.

Mr. FAULKNER. If the committee has been authorized. If the resolution has been adopted.

Mr. SOURWINE. The resolution is printed in that document, Mr. Faulkner.

Mr. FAULKNER. I question it. However, it is on the record.

Mr. SOURWINE. The resolution does exist.

Senator DODD. You can feel quite comfortable, sir, the resolution does exist.

(Whereupon, at 12:10 p.m., the subcommittee recessed, to reconvene at 2:30 p.m., on the same day.)

## AFTERNOON SESSION

Senator JOHNSON (presiding). The Subcommittee on Internal Security will come to order.

The attorney will call the first witness.

Mr. SOURWINE. Mrs. Jean Tussey.

## TESTIMONY OF MRS. JEAN TUSSEY—Resumed

Mr. SOURWINE. You have been sworn, Mrs. Tussey?

Mrs. TUSSEY. Right.

Mr. SOURWINE. Senator Olin Johnston of South Carolina is presiding, Mrs. Tussey.

This is Mr. Jack G. Day, her counsel, Senator.

Mr. DAY. How are you, sir?

Senator JOHNSTON. Glad to meet you, Mr. Day.

Mr. SOURWINE. Mrs. Tussey, during your earlier testimony you were asked about your marital status and, as I remember, you stated you were married but you claimed your privilege under the fifth amendment not to testify against yourself in declining to answer the question as to your husband's name. We were somewhat puzzled but I want to clear the situation up and I don't want to let the record stand with any wrong impression.

Now you married a Mr. Simon for your first marriage, did you not?

Mrs. TUSSEY. I assert the privilege of the fifth amendment and also the first.

Mr. SOURWINE. You married Richard Benjamin Tussey on August 1, 1952, in Cleveland, Ohio, isn't that correct?

Mrs. TUSSEY. I assert the privilege of the fifth and the first.

Mr. SOURWINE. Mr. Chairman, I ask the Chair to order that the records of the marriage of Richard Tussey and this witness, if available, be procured from the proper authority in Cleveland and inserted in the record at this point. We can get a certified copy of this.

Senator JOHNSTON. I order that to be done.

(Following is a certified copy of the marriage record of Richard B. Tussey and Jean Simon as furnished the subcommittee under the seal of the probate court of Cleveland by the deputy clerk, Helen E. Terry:)

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COPY OF RECORD

THE STATE OF OHIO }  
Cuyahoga County } ss.

IN THE PROBATE COURT

**FRANK J. MERRICK,**

I, **[REDACTED]** Judge of the Probate Court within and for the County of Cuyahoga, do hereby certify that the following is a true and correct Transcript, taken from the Marriage Records in this office, where the same are by law required to be kept to wit:

THE STATE OF OHIO }  
Cuyahoga County } ss.

I certify that on the 1<sup>st</sup> day of August 1952  
Richard B. Tussey

and

Jean Simon

were by me legally joined in marriage.

M. J. Reilly J.P.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of said Probate Court at the City of Cleveland, in said County, this 29<sup>th</sup> day of June, 1961

[SEAL]

Frank J. Merrick Probate Judge.

By Helen E. Terry Deputy Clerk



Mr. SOURWINE. Were you ever divorced from your first husband, Mrs. Tussey?

Mrs. TUSSEY. May I consult for one moment?

Mr. SOURWINE. Of course. You do not have to ask for permission to consult with counsel. Just tell us you are doing it.

Mrs. TUSSEY. It is just a habit.

Yes, I was divorced from my first husband.

Mr. SOURWINE. Would you tell us when and where that divorce was granted?

Mrs. TUSSEY. In Cleveland, Ohio. I don't recall the exact date offhand. I would have to refresh my memory on that.

Mr. SOURWINE. Do you know the year?

Mrs. TUSSEY. 1951 or 1952. I don't recall.

Mr. SOURWINE. In any event it was prior to your marriage to Mr. Tussey.

Mrs. TUSSEY. Certainly.

Mr. SOURWINE. And your first husband's name was Simon?

Mrs. TUSSEY. I take the privilege of the first amendment and the fifth amendment on that.

Mr. SOURWINE. You won't tell us your first husband's name. Is he still alive, your ex-husband?

Mrs. TUSSEY. I don't know.

Mr. SOURWINE. I noted in rereading the record of your earlier testimony that the—

Mr. DAY. Excuse me, sir. I think, Senator, in the last answer the privilege is reversed. She referred to the privilege in the first.

Senator JOHNSTON. On the first amendment.

Mr. DAY. She said, "I assert my privilege under the fifth." I just want the record to be clear on that.

Senator JOHNSTON. That is permitted.

Mr. SOURWINE. Perhaps the record should also show that if the witness claims privilege for any reason and is not thereafter ordered to answer, notwithstanding the claim, actually the situation is that your claim has been accepted and the committee is not pressing.

I realize counsel's solicitude to protect the witness. I would respectfully suggest that this would be an exception to the request made earlier that counsel consult, not ask for consultation with the witness. I think it might be better for counsel to consult with the witness and let the witness make the correction rather than let the counsel speak up and make the correction.

Mr. DAY. We were doing that this morning. I am not trying to be difficult.

Mr. SOURWINE. The privilege is a personal thing for the witness to claim and it is not to be claimed on instructions, although it may be claimed on advice.

Mr. DAY. I am aware of that. I am thinking the effort was reversed. That is all it was, and it was an attempt to correct it.

Mr. SOURWINE. In the earlier testimony when I read it back, I noticed what appeared to be a spelling of one of the names of one of your former employers, the W. S. Gilskey Co. The record spelled Gilskey. Can you clear this point up?

Mrs. TUSSEY. I refer to the fifth in not replying to that question as to whether I had or had not been employed by that company.

Mr. SOURWINE. I am only asking you now whether you can tell us the correct spelling of it. Is it G-i-l-s-k-y or G-i-l-s-k-e-y?

Senator JOHNSTON. Not that you were employed or anything, just what the name is, if it is spelled right.

Mr. SOURWINE. Do you, as a resident of Cleveland, know how the name of that company is spelled?

Mrs. TUSSEY. It is in the telephone book.

Mr. SOURWINE. Well, I don't have the Cleveland telephone book. Do you know?

Mrs. TUSSEY. In the phone book it is spelled, I think, G-i-l-s-k-e-y.

Mr. SOURWINE. I think so. Thank you very much.

Mrs. TUSSEY, you have attended meetings of the Cleveland chapter of the Fair Play for Cuba Committee, have you not?

Mrs. TUSSEY. I assert the privilege of the fifth amendment and also the first.

Mr. SOURWINE. Now, did you hear the testimony this morning of the gentleman on my left?

Mrs. TUSSEY. Yes, I heard it.

Mr. SOURWINE. Do you want to challenge the truthfulness of his testimony that you did attend meetings of the Fair Play for Cuba Committee?

Mrs. TUSSEY. I assert the privilege of the fifth and the first amendment of the Constitution.

Mr. SOURWINE. Your husband has been the chairman of the Cleveland chapter of the Fair Play for Cuba Committee, has he not?

Mrs. TUSSEY. I assert the privilege of the fifth amendment against self-incrimination and also the first amendment to the Constitution.

Mr. SOURWINE. And you were active yourself, were you not, in arranging the participation of Cleveland residents in the trip to Cuba under the auspices of the Fair Play for Cuba Committee?

Mrs. TUSSEY. I assert the privilege of the fifth amendment.

Mr. SOURWINE. Mrs. Tussey, do you have any information respecting Communist infiltration of the Fair Play for Cuba Committee?

Mrs. TUSSEY. I assert the privilege of the fifth amendment and the first amendment.

Mr. SOURWINE. Will you tell us, Mrs. Tussey, what members of the Socialist Workers' Party beside yourself and your husband are also members of the Fair Play for Cuba Committee chapter in Cleveland?

Mr. DAY. Mr. Chairman, I don't know what my rights are. This morning I was occasionally allowed to object. Now I object to that question on the grounds it assumes a conclusion. There has been no testimony by this witness that she was a member of anything and this question has mixed the assumption, unvalidated, that she is a member of something and I think that is an objectionable point.

Mr. SOURWINE. Mrs. Tussey, I put it to you as a fact and ask you to deny it if it is untrue, to affirm it if it is true and to correct it if it is in any way inaccurate, that you and your husband are members of the Socialist Workers' Party.

Mrs. TUSSEY. I assert the privilege of the fifth amendment of the Constitution and of the first amendment of the Constitution.

Mr. SOURWINE. Mrs. Tussey, what members of the Socialist Workers' Party to your knowledge are also members of the Fair Play for Cuba Committee chapter in Cleveland?

Mrs. TUSSEY. I assert the privilege of the fifth amendment and also the first amendment of the Constitution of the United States.

Mr. SOURWINE. Mrs. Tussey, did you hold a meeting of the Fair Play for Cuba Committee at your home on November 14, 1960?

Mrs. TUSSEY. I assert the privilege of the fifth amendment.

Mr. SOURWINE. I put it to you as a fact and ask you to deny it if untrue, that there was a meeting of the Fair Play for Cuba Committee held at your home on November 14, 1960, and that the purpose of this meeting was to apply to the New York office of the Fair Play for Cuba Committee for a charter and organizing committee in the Cleveland area.

Mrs. TUSSEY. I assert the privilege of the fifth amendment and the first amendment of the Constitution.

Mr. SOURWINE. I put it to you as a further fact and ask you to deny it if it is untrue, that at a meeting of the Fair Play for Cuba Committee in your home, November 14, 1960, plans for a tour of Cuba, under the auspices of the committee, were discussed?

Mrs. TUSSEY. I assert the privilege of the fifth amendment and the first amendment.

Mr. SOURWINE. I put it to you as a further fact and ask you to deny it if untrue, to correct it if in any way inaccurate, that there was a meeting of the Fair Play for Cuba Committee at your home on November 14, 1960, and that at that meeting, Mr. Herman Kirsch stated that the Fair Play for Cuba Committee was infiltrated by Communists, but that some of the Communist Party members had not paid their \$5 dues.

Mrs. TUSSEY. I assert the privilege of the fifth amendment and the first amendment of the Constitution.

Mr. SOURWINE. The committee has reports that you have, in public, eulogized the Castro government, the present Communist-dominated government of Cuba. Is this report correct?

Mrs. TUSSEY. I assert the privilege of the fifth amendment and the first amendment of the Constitution.

Mr. SOURWINE. Are you the same Mrs. Tussey who sought space in the YMCA at Prospect and East 22d Streets, Cleveland, for a meeting to be held on March 19, 1960?

Mrs. TUSSEY. I assert the privilege of the fifth amendment of the Constitution of the United States.

Mr. SOURWINE. I put it to you as a fact and ask you to deny it, if it is untrue, or to correct it if it is in any way inaccurate, that you did make arrangements for this space, stating that it was anticipated 40 to 50 persons would attend.

Mrs. TUSSEY. I assert the privilege of the fifth amendment of the Constitution.

Mr. SOURWINE. Can you explain to the committee, Mrs. Tussey, if you are not a member of the Fair Play for Cuba Committee, how you could act for the committee in the acquisition of space for a committee meeting?

Mrs. TUSSEY. May I consult just a moment?

Mr. SOURWINE. Of course.

Mrs. TUSSEY. I assert my constitutional privilege against self-incrimination under the fifth amendment of the Constitution.



Mr. SOURWINE. Do you reiterate that you are not a member of the Fair Play for Cuba Committee?

Mrs. TUSSEY. I again assert my privilege.

Mr. DAY. Mr. Chairman, I think there has been no iteration that she was a member of the Fair Play for Cuba Committee and therefore there can be no reiteration.

Mr. SOURWINE. I which case the witness will only have to answer the question "No".

Mr. DAY. But the implication would be there.

Senator JOHNSTON. Are you pushing the question?

Mr. SOURWINE. I am willing to pass it, Mr. Chairman.

Mrs. Tussey, were you ever connected with the American Committee for the Protection of Foreign Born?

Mrs. TUSSEY. I assert my privilege against self-incrimination under the fifth amendment of the Constitution and also the privilege under the fifth amendment.

Mr. SOURWINE. Mrs. Tussey, I put it to you as a fact and ask you to deny it if it is untrue, to correct it if it is inaccurate, that you are a member of the American Committee for the Protection of the Foreign Born; that you have attended meetings of that committee, and that one such meeting which you attended was at the Hollanden Hotel on March 31, 1957.

Mrs. TUSSEY. I assert the privilege under the fifth amendment of the Constitution and also under the first amendment.

Mr. SOURWINE. Will you tell us, Mrs. Tussey, who presided at the meeting of the American Committee for the Protection of Foreign Born at the Hollanden Hotel in Cleveland on March 31, 1957?

Mrs. TUSSEY. I assert the privilege under the fifth and first amendments of the Constitution.

Mr. SOURWINE. Mrs. Tussey, are you aware that the American Committee for the Protection of Foreign Born has been cited as a Communist front by the Attorney General of the United States?

Mrs. TUSSEY. I assert the privilege under the fifth and first amendments of the Constitution.

Mr. SOURWINE. Are you aware that this organization was so cited on June 1, 1948, some 9 years before your attendance at a meeting of the committee?

Mrs. TUSSEY. I assert the privilege under the fifth amendment of the Constitution and also the first.

Mr. SOURWINE. Are you the same Jean Tussey who was, in 1947, an organizer of the Los Angeles branch of the Socialist Workers' Party?

Mrs. TUSSEY. I assert the privilege of the fifth amendment and also the first amendment of the Constitution of the United States.

Mr. SOURWINE. Are you the same Jean Tussey who, in 1960, was a member of the national committee of the Socialist Workers' Party?

Mrs. TUSSEY. I assert the privilege under the fifth amendment and the first amendment of the Constitution.

Mr. SOURWINE. Are you still a member of the national committee of the National Socialist Workers' Party?

Mrs. TUSSEY. I assert the fifth and first amendments of the Constitution.

Mr. SOURWINE. Are you the same Jean Tussey who, in 1952, was an organizer of the Cleveland branch of the Socialist Workers' Party?

Mrs. TUSSEY. I assert the privilege under the fifth and the first amendments of the Constitution.

Mr. SOURWINE. Do you know what the Socialist Workers' Party is?

Mrs. TUSSEY. I assert the privilege under the fifth and the first amendments of the Constitution.

Mr. SOURWINE. Is there any connection between the Socialist Workers' Party and the Communist Party, U.S.A.?

Mrs. TUSSEY. I assert the privilege under the fifth and the first amendments of the Constitution.

Mr. SOURWINE. How does it happen, Mrs. Tussey, that the Socialist Workers' Party and the Communist Party, U.S.A. are cooperating in helping the Fair Play for Cuba Committee?

Mrs. TUSSEY. I assert the privilege under the fifth and the first amendments of the Constitution.

Mr. SOURWINE. Have you ever instructed a class in Marxism?

Mrs. TUSSEY. I assert the privilege under the fifth and the first amendments of the Constitution.

Mr. SOURWINE. Have you, this year, instructed such a class?

Mrs. TUSSEY. I assert the privilege of the fifth amendment of the Constitution and also the first amendment of the Constitution.

Mr. SOURWINE. Have you ever advocated the overthrow of the Government of the United States so that the people can establish a workers' state?

Mrs. TUSSEY. I assert the privilege of the fifth and the first amendments of the Constitution.

Mr. SOURWINE. Do you consider yourself loyal to the principles of Marxism-Leninism?

Mrs. TUSSEY. I assert the privilege under the fifth and the first amendments of the Constitution.

Mr. SOURWINE. I have no more questions of this witness, Mr. Chairman.

Senator JOHNSTON. I believe you want to let her stay here a minute.

Mrs. TUSSEY. May I say something?

Senator JOHNSTON. You say something? Sure.

Mrs. TUSSEY. Well, I would like to say, on my being here at the committee hearing, that I come before this committee confident that I never, to my knowledge, violated any laws of the United States or performed any act detrimental to the internal security of our country, but in order to protect myself from possible perjury, contempt, or false or criminal charges based on testimony of crackpots or informers, who, through malice or ignorance, may place me in a legal position of incriminating myself, I propose to avail myself of the constitutional guarantees provided for that purpose. And this course is especially indicated in light of the Federal statutes making the advocacy of unpopular ideas, innocent associations, and parallelism in any ideas a potential basis of criminal indictment.

Senator JOHNSTON. You know there is a law now that you have to register if you are a Communist; do you not?

Mrs. TUSSEY. I am aware of that law.

Senator JOHNSTON. You are aware of that at the present time?

(Mrs. Tussey nods head affirmatively.)

Senator JOHNSTON. The Supreme Court has ruled by their decision that you have to do that.

Mrs. TUSSEY. I am quite aware of it.

Mr. SOURWINE. Mrs. Tussey, have you ever taken admissions at the door for a meeting of the Fair Play for Cuba Committee?

Mrs. TUSSEY. I assert my privilege under the fifth and first amendments.

Mr. SOURWINE. Mrs. Tussey, I show you a mimeographed sheet entitled "Fair Play Supplement, June 5, 1961," which was distributed through the mails by the Fair Play for Cuba Committee. I will ask you if you have seen a copy of that. You might not have. It arrived in the mail in Washington yesterday.

Mrs. TUSSEY. May I take just a moment, please?

I assert the privilege of the fifth amendment on this against self-incrimination.

Mr. SOURWINE. I call to your attention, Mrs. Tussey, the last paragraph of the second column of this page which reads:

#### LATE BULLETIN

Edward Shaw, Midwest representative for FPCC, has just been subpoenaed to appear before the Eastland committee on June 14. Leading members of the Cleveland chapter have also been subpoenaed. Date 6/7/61.

I will ask you, Do you know Edward Shaw, the Midwest representative for FPCC?

Mrs. TUSSEY. I assert the privilege against self-incrimination under the fifth amendment and also the first amendment.

Mr. SOURWINE. Now the statement makes it rather clear that the Fair Play for Cuba Committee considers at least some of the persons from Cleveland subpoenaed to appear before the committee yesterday as leading members of the Cleveland chapter of the Fair Play for Cuba Committee.

The individuals so subpoenaed were your husband and yourself, Mr. Herman Kirsch, Mr. Max Levey, and Mr. Tad Tekla.

Will you tell us which of these individuals is known to you as a leading member of the Fair Play for Cuba Committee, Cleveland chapter?

Mrs. TUSSEY. I assert the privilege of the fifth amendment against self-incrimination and I also refer to the first amendment.

Mr. SOURWINE. Mr. Chairman, I ask that this mimeographed sheet to which I have referred and which I have shown the witness and from which I have read may be inserted in the record at this point.

Senator JOHNSTON. It shall become a part of the record and known as exhibit 68.



(The document referred to was marked "Exhibit No. 68" and reads as follows:)

## EXHIBIT No. 68

FAIR PLAY SUPPLEMENT      June 5, 1961

The effectiveness of FPCC has aroused the fury of reactionary elements in the U.S. They now operate on a number of fronts trying to prevent our reaching the people with the truth about Cuba.

The steady flow of slanders emanating from the Eastland Committee (see pg. 3 of the current Fair Play) is obviously designed to encourage extra-legal attacks on FPCC.

Meeting hall cancellations have occurred in Los Angeles, Detroit, Newark and Tampa (this last was City property which had previously rented to the John Birch Society)...the daily newspapers in Cleveland and Chicago have refused to print paid advertisements of FPCC...The Chicago FPCC is being evicted from its headquarters following a blast against the Committee by McCormick's Chicago Tribune.

The Seattle Student Council had to put up a courageous battle to establish its right to peaceful picketing. On May 13, Seattle police permitted an organized gang of hoodlums to break up a FPCC picket line in front of the Federal Office Bldg. Student Council decided to call another picket line for May 27th, taking all the necessary precautions to prevent renewed violence. The precautions were apparently adequate: a successful picket line was held and the John Birch Society had to be contented with the distribution of a hostile leaflet. Seattle FP'ers have won an important victory.

In Rockford, Illinois, Fair Players Mr. and Mrs. Robert Horn were arrested while distributing FPCC literature in front of an unemployment compensation office. Robert Horn was struck in the face by a passerby so the police arrested -- you guessed it -- the Fair Play distributors, who had to spend a night in the jail before being released on \$300 bond. The local press devoted 350 column inches in reporting the story.

The Philadelphia FPCC is also involved in a crucial civil liberties fight. The chapter sponsored a picket line in

front of the Federal Bldg. on April 19 to protest the CIA-organized invasion of Cuba. In order to have a peaceful picket line, the FPCC Executive Committee took the following precautions: the police were notified both by personal visits and in writing; the ACLU, the Commission on Human Relations, the press, radio and TV were also given advance notice. Although the picket line was announced for 3:00 PM it did not begin until 3:30; nevertheless there were no police present to direct pedestrians and prevent heckling. Picket captains had been instructed to keep a single file line moving in a peaceful, lawful manner, which they did in the absence of the police.

According to the Philadelphia Afro-American, the picket line was "not only attacked by pedestrians on the street but also by the police. As a result, four pro-Castroites who were an interracial group are being held under \$500 bond for Grand Jury action... The picketing was quiet and peaceful, despite heckling and provocation from some individuals among the crowd that had gathered." Spencer Cox, Executive Director of the ACLU, sent a letter to Police Commissioner Albert Brown protesting the manner in which the police handled the whole incident. University of Penna. professor Gordon Walker, who fortunately was a witness to the attack has agreed to head up a defense committee for the arrested four. Those interested in further information on the case should contact Marion Metalits, 347 W. Glen Echo Road, Philadelphia, Penna.

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FPCC is holding a national conference in NYC July 1 and 2. A key point of the conference agenda will be a discussion of plans to defeat the type of attacks described above. Contact your local chapter for full details.

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LATE BULLETIN: Edward Shaw, Midwest Representative for FPCC, has just been subpoenaed to appear before the Eastland Committee on June 14. Leading members of the Cleveland chapter have also been subpoenaed. 6/7/61

\* VENCEREMOS \*

Mr. DAY. Mr. Chairman, not to interrupt, but may I have the record show an objection to that; that it is hearsay as regards this witness and I have nothing to say about it.

Senator JOHNSTON. This doesn't mention this witness directly; does it?

Mr. DAY. That is right, and that is why I object to it. Everything about it is hearsay as to this witness.

Now there is no reference to her; there is no identification to her, and there is no establishment that she knows anything about it or anything to do with it. That is the only point.

Senator JOHNSTON. When was this published?

Mr. SOURWINE. It is very easy, Mr. Chairman, for counsel to imply testimony on behalf of the witness. If the witness wishes to testify to these facts she certainly should have the opportunity.

Mr. DAY. I was just making an objection. I don't want to argue the point.

Senator Dodd allowed me, for the record, to object once or twice and that is all I intended to do. I assumed the Chair would rule and I will abide by whatever ruling he makes.

Senator JOHNSTON. I see no objection to it going into the record.

Mr. SOURWINE. This witness has not denied membership in the Fair Play for Cuba Committee, she tells us, or her counsel does. She has claimed her fifth amendment privilege in refusing to answer whether she attended the meetings of the committee.

I believe that the testimony before the committee on this point will speak for itself. But certainly, if the witness wishes to disavow connections, she should have the opportunity.

Do you care to say anything along that line?

Mrs. TUSSEY. I have taken the privilege of the fifth amendment on that question and I think my further statement indicated my thinking on the subject.

Mr. SOURWINE. I think it did.

I have no more questions, Mr. Chairman.

Senator JOHNSTON. That is all then.

Call the next witness.

Mr. SOURWINE. You may be excused.

Mr. DAY. Are you going to call the third man or should I get out and wait?

Mr. SOURWINE. You would like to have Mr. Kirsch called?

Mr. DAY. Mr. Kirsch is not my client.

Mr. SOURWINE. Your client is Max Levey?

I am entirely agreeable that we should call Mr. Levey next.

Senator JOHNSTON. Call Mr. Levey, please.

#### TESTIMONY OF MAX L. LEVEY—Resumed

Mr. SOURWINE. Mr. Levey, we are sorry you have been held so long as we are sorry that the other witnesses have been held so long. We have been trying to get along as rapidly as we could.

Mr. LEVEY. All right, sir.

Mr. SOURWINE. I want to repeat for the record at the beginning here today, so that the presiding officer will understand what I said for the record at your previous appearance, that there is a possibility

of some mistake in identity with regard to Mr. Levey. It is possible that there is another Max Levey; that some of the information which has come to the committee with regard to Max Levey pertains to the other Max Levey and not to this Max Levey who is here as a witness.

I want to try to clear this up in the record as best I can. I think in fairness to Mr. Levey we should do this.

I also want to tell the Chair that in Mr. Levey's earlier testimony he spoke of having been discharged by his employer because he had received this subpoena from this committee.

Senators who were present at that time expressed the opinion that the committee staff should get in touch with Mr. Levey's former employer and should make it clear to him that there was no opprobrium to be connected with a subpoena to appear before this committee.

I want to inform you and state for the record that my office has been in touch with Mr. A. M. Simon, president of the H. L. Vokes Co.—you gave us the name as A. V. Simon, I believe. The record, at least, read A. V. Simon, but the man with whom we spoke was Mr. A. M. Simon. He is your former employer?

Mr. LEVEY. That is correct.

Mr. SOURWINE. And Mr. Simon did—and I am not attempting to commit Mr. Simon to what I now say, but this is my best understanding of the conversation—he did indicate that he had dispensed with your services because of the feeling that to be called before this committee indicated that there was something wrong with you. He was assured most positively that this was not so. He was told of some persons who have appeared as witnesses before the committee concerning whom there could be no possible question of any wrongdoing. He was told that the matter of your appearance before the committee did not indicate that the committee felt that you were guilty of anything whatsoever.

We did not ask Mr. Simon, nor did he give us any assurances, as to what he would do with regard to your employment. We were, under the rules of the committee, not in a position to discuss with him what your testimony here had been. You, of course, are not under that inhibition and you can tell him about it when you get back if you care to do so.

He had seen the subpoena, so that the disclosure to him of the fact that you were here, we felt, was no violation of the rule and, in fairness to you, we considered we should convey this to him and this we did. I believe that you may find that Mr. Simon's attitude with regard to the question of a mere subpoena reflecting upon you in some way is different now from what it was when you last spoke to him. I hope this may be true. I hope that my office has been successful in convincing him that the fact that you or anyone else receives a subpoena from this committee doesn't carry any implication of anything whatsoever except that the committee hopes that you may be able to give us some information.

Mr. LEVEY. I appreciate the efforts of counsel.

Mr. SOURWINE. The question of identity as between this witness and a possible other Max Levey can, I think, be gotten at in one way or from one approach by making it quite clear just who this Max Levey is and where he has been and what he has done over a period of time and that would exclude any other Max Levey who was somewhere else or doing something else at the same time.



For that reason, Mr. Levey, I will ask you is it true that you were born Maxwell Lawrence Levey?

Mr. LEVEY. That is correct.

Mr. SOURWINE. On the date you have given us, that is July 21, in Cleveland.

Mr. LEVEY. July 1.

Mr. SOURWINE. July 1?

Mr. LEVEY. July 1, 1927.

Mr. SOURWINE. July 1?

Mr. LEVEY. The first.

Mr. SOURWINE. Of 1927?

Mr. LEVEY. That is correct, sir.

Mr. SOURWINE. Well, this arouses another interesting point. The date the witness gave us, as the record indicates earlier was July 21, 1927, and the vital statistics of Cleveland shows that there was a Maxwell Lawrence Levey born in Cleveland on July 21, 1927.

Mr. DAY. The 21st?

Mr. SOURWINE. July 21, 1927.

I am informed that I am in error. It is July 1. So that establishes at least that you were born, Mr. Levey.

Mr. DAY. There is a lot of him here to testify to that.

Mr. SOURWINE. Sir, would you let us have the names of your parents?

Mr. LEVEY. Yes, Abraham H. Levey and Mrs. Ida D. Levey.

Mr. SOURWINE. Now before that you lived at 2537 Noble Road in Cleveland Heights. Who did you live with there?

Mr. LEVEY. My parents.

Mr. SOURWINE. And what was the address there?

Mr. LEVEY. 4074 Bayard Road, South Euclid 21, Ohio.

Mr. SOURWINE. And you have lived there for a number of years?

Mr. LEVEY. Yes, I traveled a great deal, but I did.

Mr. SOURWINE. You had no other address?

Mr. LEVEY. No, that is correct.

Mr. SOURWINE. That takes us back then to what period of time? We have had three addresses for you. Now the one you have just given us, the Noble Road address and the present address.

Mr. LEVEY. That is correct.

Mr. SOURWINE. Those three addresses take us back in time to what period?

Mr. LEVEY. My parents have lived at their present address, which is the Bayard Road address, something like 12 years.

Mr. SOURWINE. Now, before your employment with the Vokes Co., what was your next employment?

Mr. LEVEY. I was employed by Bobby Brooks, Inc.

Mr. SOURWINE. In Cleveland?

Mr. LEVEY. In Cleveland.

Mr. SOURWINE. During what period of time?

Mr. LEVEY. The year, sir, is that what you are looking for?

Mr. SOURWINE. Yes, if you can.

Mr. LEVEY. Well, 4½ years with Vokes and 2½ years prior to that so this is 1961 and I would just offhand say around 1955 to 1957.

Would you want something more specific?

Mr. SOURWINE. Just your best recollection. What was your employment prior to that?

Mr. LEVEY. With the Cleveland Cotton Products Co., Inc.

Mr. SOURWINE. And over what period of time?

Mr. LEVEY. Two years prior to that.

Mr. SOURWINE. And were you employed somewhere else before that?

Mr. LEVEY. As a matter of fact, this doesn't mesh very well. I left college in 1950 and went on the road with the Cleveland Cotton Products Co. That would be 1950 to 1952 or so. My job with Bobby Brooks would have been probably in 1953 to 1956 and then the previous 5 years with the H. L. Vokes Co.

Mr. SOURWINE. We are not trying to pin you down, just establish in general where this particular Max Levey was during these years. Where did you take college?

Mr. LEVEY. Cleveland College of Western Reserve University, sir.

Mr. SOURWINE. And you graduated?

Mr. LEVEY. No, I did not, sir.

Mr. SOURWINE. You didn't attend any higher educational institutions anywhere else?

Mr. LEVEY. I took a couple of courses at Fenn College at night in reference to my work at Vokes.

Mr. SOURWINE. Is that F-e-n-n?

Mr. LEVEY. Yes.

Mr. SOURWINE. That is in Cleveland?

Mr. LEVEY. Yes.

Mr. SOURWINE. And that was during the past half dozen years?

Mr. LEVEY. During the past 5 years.

Mr. SOURWINE. Now, you spoke earlier of your connection with the Committee for a Sane Nuclear Policy. Will you tell us what that connection is?

Mr. LEVEY. I served on the executive board of the Committee for a Sane Nuclear Policy.

Mr. SOURWINE. Nationally or in Cleveland?

Mr. LEVEY. In Cleveland.

Mr. SOURWINE. How long have you held that position?

Mr. LEVEY. Let's see, arbitrarily speaking I would say a year.

Mr. SOURWINE. And were you a member of the Committee for a Sane Nuclear Policy before that?

Mr. LEVEY. Well, sir, only for purposes of clarification there was no membership prior to. As a matter of fact, my last testimony is inaccurate in that membership has just become a part of our organization the last 4 or 5 or maybe 6 months at the outside. So it wasn't actually a membership organization. The national organization did not have membership, per se. They do not.

Mr. SOURWINE. I see. And how long have you been a member of the Cleveland organization?

Mr. LEVEY. Well, can I use the word "participant"?

Mr. SOURWINE. Of course.

Mr. LEVEY. All right, I would say about a year and a half. Maybe a bit more, maybe a bit longer.

Mr. SOURWINE. Have you been active in connection with that organization?

Mr. LEVEY. Yes, I have been active.

Mr. SOURWINE. I mean have you appeared publicly in connection with it or spoken on behalf of it or issued statements in its behalf?

Mr. LEVEY. Well, offhand I would say none of those things.

Mr. SOURWINE. Do you know of any other Max Levey connected with the Committee for a Sane Nuclear Policy?

Mr. LEVEY. Not to my recollection.

Mr. SOURWINE. Now, what have been your contacts with Richard Tussey, the chairman of the Cleveland chapter of the Fair Play for Cuba Committee?

Mr. LEVEY. I am afraid, sir, that I will have to assert my privilege against self-incrimination.

Mr. SOURWINE. Mr. Tussey is a long-time friend of yours, isn't he? I am speaking of him as an individual now and not as an associate with the committee.

Mr. LEVEY. I will have to assert my privilege, sir.

Mr. SOURWINE. Will you tell us approximately how many meetings of the Cleveland chapter of the Fair Play for Cuba Committee you have attended?

Mr. LEVEY. I must consult my counsel.

To the best of my recollection, sir, I attended one meeting and one, for lack of a better word, call it a party.

Mr. SOURWINE. Do you recall who presided at the meeting?

Mr. LEVEY. Here, sir I would have to assert my privilege against self-incrimination under the fifth amendment.

Mr. SOURWINE. Mr. Levey, are you actually attempting to protect yourself or attempting to protect someone else? You seem to avoid the disclosure of some other name.

Mr. LEVEY. I am attempting to protect myself under the self-incrimination clause.

Mr. SOURWINE. Did you participate orally, vocally out loud in that meeting?

Mr. LEVEY. It seems to me I asked a question. I am not certain of that, but I think I did.

Mr. SOURWINE. Are you the same Max Levey who was connected with the American Forum of Socialist Education?

Mr. LEVEY. As I stated in my previous testimony, sir, even though I am not aware of the name because I am not certain at the time there was a name, but I understand and recognize what you have reference to and I attended one meeting.

Mr. SOURWINE. That was the meeting at the YMCA in Cleveland on October 15, 1957, Mr. Levey?

Mr. LEVEY. I think I agreed to that in my previous testimony. I am not certain of that date. I assume it is correct.

Mr. SOURWINE. Did you participate in that meeting?

Mr. LEVEY. Did I participate in the meeting?

Mr. SOURWINE. Yes.

Mr. LEVEY. Yes, I did, sir.

Mr. SOURWINE. Now, who was present at that meeting?

Mr. LEVEY. I am afraid here again, sir, I must assert my privilege against self-incrimination under the fifth amendment.

Mr. SOURWINE. Haven't you given us a name or names of persons present at that meeting?

Mr. LEVEY. No, sir, I have not.

Mr. SOURWINE. Do you recognize the gentleman who is sitting on my left?

Mr. LEVEY. I would have to assert my privilege against self-incrimination on the fifth amendment.



Mr. SOURWINE. Sergeant, do you recognize Mr. Levey?

Mr. UNGVARY. I know Mr. Levey.

Mr. SOURWINE. From what do you know him?

Mr. UNGVARY. My first knowledge of Mr. Levey dates way back when he was participating in activities of the Youth Progressives of America and the Progressive Party.

Mr. SOURWINE. He has been sworn, Mr. Chairman.

When was that?

Mr. UNGVARY. I don't recall the dates. I had no way of refreshing my memory in respect to him.

Senator JOHNSTON. Can you give us approximately the year?

Mr. UNGVARY. May I ask a question?

Is there any material that you have in your possession, Mr. Schroeder? I don't want to make a mistake as to the year.

Mr. SOURWINE. The question only called for your memory. It doesn't require material. We want to know if you now remember the date.

Mr. UNGVARY. No, I don't remember the time.

Senator JOHNSTON. That is the only thing. I was trying to get the approximate year.

Mr. UNGVARY. I have no recollection of the year.

Mr. SOURWINE. Let me ask you, Mr. Levey, were you ever associated with the Progressive Party?

Mr. LEVEY. Yes.

Mr. SOURWINE. During what year?

Mr. LEVEY. My activity was, the campaign, the period of the 1947-48 campaign.

Mr. SOURWINE. Were you ever associated with the Youths Progressive?

Mr. LEVEY. May I correct the answer? It is the Young Progressives. I was, sir.

Mr. SOURWINE. During the same period?

Mr. LEVEY. I was, sir.

Mr. SOURWINE. Sergeant Ungvary, did you ever have knowledge of Mr. Levey's attendance at any meeting or meetings of the Fair Play for Cuba Committee?

Mr. UNGVARY. Any time I saw Mr. Levey I would make a record of it. Now whether or not I had made that notation I don't know. I had no way of refreshing my memory.

Mr. SOURWINE. Do you now remember any instance of a notation that you made with respect to Mr. Levey's attendance at the meetings of the Fair Play for Cuba Committee?

Mr. UNGVARY. I am afraid I do not.

Mr. SOURWINE. Don't be afraid. We are just asking for your recollection.

Mr. UNGVARY. I do not.

Mr. SOURWINE. We are not asking you to testify in any particular way, just what your memory is.

Mr. UNGVARY. I had no way of refreshing my memory.

Mr. SOURWINE. Do you have knowledge respecting a meeting in the YMCA in Cleveland in which a Mr. Levey was in attendance?

Mr. UNGVARY. I have knowledge of any number of meetings there but to pinpoint it now specifically for Mr. Levey, I am not in a position to do so.

Mr. SOURWINE. Do you have recollection that he did attend such meetings?

Mr. UNGVARY. I have recollection that he had attended some meetings where I had observed him.

Mr. SOURWINE. Did you ever attend a meeting with him at the YMCA?

Mr. UNGVARY. You mean to go there together?

Mr. SOURWINE. No.

Mr. UNGVARY. No, I had been at meetings at the YMCA.

Mr. SOURWINE. At which Mr. Levey was present?

Mr. UNGVARY. Well, I don't want to pinpoint it in that manner. No, I can't recall that.

Mr. SOURWINE. All right.

Mr. Levey, did you know Sam Pollock as a member of the Communist Party, U.S.A.?

Mr. LEVEY. I must assert my privilege against self-incrimination under the fifth amendment.

Mr. SOURWINE. Did you attend a meeting in the Nash Room of the YMCA in Cleveland, November 15, 1951, attended by Pollock, Tussey, and Tekla—that is Richard Tussey, Sam Pollock, and Tad Tekla?

Mr. LEVEY. I must consult counsel on this.

Mr. SOURWINE. Surely.

Mr. LEVEY. Pardon me. Mr. Counsel, was this in 1951?

Mr. SOURWINE. November 15, 1951.

Mr. LEVEY. I think I can answer it in perfect honesty, not to my recollection.

Mr. SOURWINE. All right. Mr. Chairman, I should like at this time to bring into the committee room another witness who has been previously sworn, Mr. Tad Tekla.

May we do this?

Senator JOHNSTON. Bring him in.

Come around and have a seat.

Mr. SOURWINE. Mr. Tekla, this is Senator Olin Johnston of South Carolina who is presiding this afternoon.

Mr. LEVEY. Could I ask the counsel one question? Could I ask the counsel about a previous question concerning the date of a meeting?

Mr. SOURWINE. The last question was the 1951 date.

Mr. LEVEY. The one previous to that, Mr. Sourwine.

Mr. SOURWINE. The date I asked you about previous to that?

Mr. LEVEY. Concerning a YMCA meeting.

Mr. SOURWINE. That was October 15, 1957.

Mr. LEVEY. Fine. Thank you, sir.

#### TESTIMONY OF TAD TEKLA—Resumed

Mr. SOURWINE. Mr. Tekla, I am sure the members of the committee regret that you have been held here so long. I can assure you we are going to let you go this afternoon and it won't be very much longer.

Mr. TEKLA. Thank you, sir.

Mr. SOURWINE. Mr. Tekla, you recall testifying earlier about a meeting at the Nash Room of the YMCA in Cleveland?

Mr. TEKLA. Yes.

Mr. SOURWINE. You told us that Sergeant Ungvary had been there?

Mr. TEKLA. Yes.

Mr. SOURWINE. Do you remember the date of that meeting?

Mr. TEKLA. I would say roughly October of 1957.

Mr. SOURWINE. I believe, when we asked you about the meeting before, we specified the date as April 8, 1957. Could it have been on that occasion?

Mr. TEKLA. I don't have any records with me. I can't verify the date.

Mr. SOURWINE. No, I am not trying to put words in your mouth. You remember you told us you had only gone to one such meeting?

Mr. TEKLA. There was only one meeting. I don't remember the date.

Mr. SOURWINE. You don't remember whether it was spring or fall?

Mr. TEKLA. No, I don't.

Mr. SOURWINE. All right, sir.

Mr. TEKLA. That would be to the best of my knowledge, October.

Mr. SOURWINE. At that meeting, was Sam Pollock present?

Mr. TEKLA. Yes.

Mr. SOURWINE. Was Richard Tussey present?

Mr. TEKLA. Yes.

Mr. SOURWINE. And Max Levey was present?

Mr. TEKLA. Yes.

Mr. SOURWINE. Do you see Mr. Levey in the room here?

Mr. TEKLA. Yes.

Mr. SOURWINE. Do you recognize Mr. Tekla, Mr. Levey?

Mr. LEVEY. I will assert my privilege against self-incrimination.

Mr. SOURWINE. With this refreshment of your recollection as to the meeting, Mr. Levey, will you tell us whether you attended the meeting?

Mr. LEVEY. The 1957, sir, or the 1951?

Mr. SOURWINE. The meeting in 1957, the meeting as described by Mr. Tekla.

Mr. LEVEY. I must consult my counsel on that.

To the best of my recollection, sir, as I previously testified, I was present at that meeting.

Mr. SOURWINE. Now, Mr. Tekla, what was the purpose of that meeting? You have told us before that Mr. Levey didn't hear you testify.

Mr. TEKLA. I said that the purpose of that particular meeting was to try to form a local affiliate of a national organization called the American Forum.

Nothing materialized at the meeting as at most luncheon meetings. It was rather barren of results.

Mr. SOURWINE. Mr. Levey, you remember the meeting as having that purpose?

Mr. LEVEY. I testified truthfully, Mr. Sourwine, that the American Forum is a name. It didn't mean a great deal. I do recall it. I didn't know and probably don't know right now what the exact purpose or the intent of American Forum was, assuming that was the name. I did understand it to be, and I am happy to give this—probably I shouldn't, but give it gratuitously—that I was there to attend a meeting and forming a new organization which somehow was a liberal, progressive kind of organization and I attended the meeting.



Mr. SOURWINE. Mr. Tekla, you recognize Sergeant Ungvary?

Mr. TEKLA. Only on the basis of the hearsay evidence. I never had the pleasure of meeting him.

Mr. SOURWINE. Didn't you tell us he was at the meeting?

Mr. TEKLA. People told me he was there.

Mr. SOURWINE. But you did not recognize him?

Mr. TEKLA. I never did meet him.

Mr. SOURWINE. Mr. Tekla, may I introduce to you Sergeant Ungvary?

Mr. UNGVARY. How do you do, sir?

Mr. SOURWINE. Sergeant, do you recognize Mr. Tekla?

Mr. UNGVARY. Yes, I think we had an interview at your home at one time, Mr. Tekla. I think you lived in the Glenville area.

Mr. TEKLA. Oh, yes. You refresh my memory. That was the Euclid Beach incident. That was a good many years ago.

Mr. UNGVARY. Yes, a good many years ago.

Mr. TEKLA. I don't believe we were ever introduced. You just walked into my house on a Sunday morning and started asking questions. I didn't know your name then.

Mr. SOURWINE. Mr. Tekla, do you have information respecting the membership or nonmembership in the Fair Play for Cuba Committee, of either Sam Pollock, Richard Tussey, or Max Levey?

Mr. TEKLA. I do not have such information, not having been a member, not having had access to any membership records.

Mr. SOURWINE. All right, sir. Mr. Tekla, we will have a few questions still to ask you. We will call you as soon as we are through with Mr. Levey. That will be just a few more minutes.

Senator JOHNSTON. Thank you for coming in.

Mr. SOURWINE. Now, Mr. Levey, are you the Max Levey who was connected with the National Conference of American Socialists?

Mr. LEVEY. I was not, sir.

Mr. SOURWINE. You were never connected with that organization?

Mr. LEVEY. I was not.

Mr. SOURWINE. Specifically, did you attend a meeting of the National Conference of American Socialists at the Tudor Arms Hotel in November of 1958?

Mr. LEVEY. I did, sir.

Mr. SOURWINE. You attended this meeting in what capacity?

Mr. LEVEY. As an individual observer. I don't believe, though again this is gratuitous, I don't believe I registered for the conference.

Mr. SOURWINE. Were you ever connected with the Young People's General Assembly for Peace?

Mr. LEVEY. I have never heard of the organization.

Mr. SOURWINE. There was a Max Levey who sponsored a call to the Young People's General Assembly for Peace January 5 to 7, 1951.

You say this was not you?

Mr. LEVEY. Well, I don't want to perjure myself.

Mr. SOURWINE. I am sure you don't.

Mr. LEVEY. You say I sponsored?

Mr. SOURWINE. I did not say you did. I said a Max Levey did. This is part of my effort to separate one Max Levey from another on the assumption there may be two.

Mr. LEVEY. I am not at all resentful of the line of questioning. I want to give truthful testimony and I don't recall the name.

Mr. SOURWINE. I assure you there is no effort being made to trap you. I am disclosing what we know of one or the other Max Levey and trying to filter it out. I would say your testimony impresses me as being entirely forthright. I have no reason to believe you are not telling us the truth.

Mr. LEVEY. I simply do not recall the organization..

Mr. SOURWINE. You do not know anything about the organization?

Mr. LEVEY. Would you repeat the name again for me?

Mr. SOURWINE. The Young People's General Assembly for Peace.

Mr. LEVEY. No, sir; I have no recollection of such an organization.

Mr. SOURWINE. I will state that this organization has been denounced as a Communist front as reported by the Chicago Tribune on January 4, 1951.

Well then, presumably, the Max Levey who was connected with that organization must be some other Max Levey.

Do you know Paul Robeson?

Mr. LEVEY. I assert my privilege against self-incrimination.

Mr. SOURWINE. Did you attend a concert on March 20, 1950, starring Paul Robeson?

Mr. LEVEY. Well, possibly, I should consult counsel, but I will certainly volunteer that I attended a couple of concerts to my knowledge where Robeson performed. The dates of these I would not attest to at all.

Mr. SOURWINE. Did you at the conclusion of such a concert talk with Robeson?

Mr. LEVEY. I will have to assert my privilege against self-incrimination.

Mr. SOURWINE. Do you know Paul Robeson as a member of the Communist Party, U.S.A.?

Mr. LEVEY. Again, sir, I would assert my privilege against self-incrimination under the fifth amendment.

Mr. SOURWINE. If my memory serves me correctly you were asserting your privilege against self-incrimination when you were testifying earlier in refusing to answer questions about your attendance at a Rosenberg defense meeting in the Sterling Hotel in Cleveland, Ohio, under the sponsorship of the American Committee for the Protection of the Foreign Born, is that right, Mr. Levey?

Mr. LEVEY. I am a little wary on this question, but I did state I was not a member of the American Committee for the Protection of the Foreign Born.

Mr. SOURWINE. That is right.

Mr. LEVEY. I remember that specific testimony.

Mr. SOURWINE. You did do that and I then asked you if you had attended a Rosenberg defense meeting in the Sterling Hotel in Cleveland under the sponsorship of the American Committee for the Protection of the Foreign Born, and my memory is that you claimed your fifth amendment privilege in refusing to answer.

What is your memory on that point?

Mr. LEVEY. I must consult my attorney on that.

You are correct, sir, and I would reassert my privilege against self-incrimination.

Mr. SOURWINE. That is what I wanted to find out, if you wanted to tell us.

As the Supreme Court has pointed out, the witness may refuse on several occasions and on the next one decide to answer. We always live in hope.

I presume you will also claim your privilege in refusing to answer the question as to how you happened to go to that meeting.

Mr. LEVEY. Yes, I would have to assert my privilege against self-incrimination.

Mr. SOURWINE. Are you the Max Levey who was a member of the Cleveland Council of the Arts, Science, and Professions?

Mr. LEVEY. I must consult counsel. I do remember the name of this organization, sir.

In all honesty, I do not remember having joined that organization.

Mr. SOURWINE. Did you attend a joint meeting of the Cleveland Council of the Arts, Sciences, and Professions and the Ohio Committee To Secure Justice in the Rosenberg Case, in Cleveland in November 1952?

Mr. LEVEY. Attend a joint meeting, sir?

Mr. SOURWINE. Yes. Did you attend during the 10-day session, not for the whole 10 days? There was a 10-day joint meeting. Did you, during that meeting, attend one of the sessions or more than one?

Mr. LEVEY. In what year, sir?

Mr. SOURWINE. In November of 1952.

Mr. LEVEY. I simply have no recollection of such a meeting.

Mr. SOURWINE. And you have told us that you were never a member of the Ohio Committee To Secure Justice in the Rosenberg Case.

Mr. LEVEY. That is correct, sir.

Mr. SOURWINE. Were you ever connected with the Progressive Party?

Mr. LEVEY. Yes, sir.

Mr. SOURWINE. In what way?

Mr. LEVEY. Just a member, sir.

Mr. SOURWINE. Just a member, never an officer?

Mr. LEVEY. No.

Mr. SOURWINE. And 1957 you were so connected?

Mr. LEVEY. In terms of dates on this question, sir, I must say it was some time after the inception of the Progressive Party that I became a member of the Progressive Party.

Mr. SOURWINE. Well, I am trying to establish the duration. You did attend a rally of the Progressive Party incident to the Progressive Party convention in January 23, 1950, did you not?

Mr. LEVEY. I would say there is a chance I did. I do not recall any specific rally.

Mr. SOURWINE. All we want is your best recollection.

Mr. LEVEY. I attended many rallies of the Progressive Party.

Mr. SOURWINE. And you think it is conceivable that you might still have been a member of the Progressive Party in 1957?

Mr. LEVEY. Oh, yes.

Mr. SOURWINE. Did you or do you know of any other Max Levey connected with the Progressive Party?

Mr. LEVEY. Not to my knowledge, sir.

Mr. SOURWINE. Now, we had a question about the Excel Movie Production Co. I am not sure the record is entirely clear.



Were you ever connected in any way with a firm which manufactured or sold or distributed film and/or home movie projectors?

Mr. LEVEY. No, sir; I have never been connected with such.

Mr. SOURWINE. Mr. Chairman, I think I have done all that we can to clear up this question of identity. There are references in the committee files to a Max Levey which formed the basis of a number of these questions where this witness has stated categorically that it was not him or has made a statement which is incompatible with the idea that he could have been that particular Max Levey.

I want to state for the record that I have no proof that he has misstated in any respect, and I think the record will have to stand on the basis of his uncontradicted testimony unless and until somebody should come forward to say that he did not state truly, and I have no reason to believe that this will happen.

As you have been told, Mr. Levey, the committee and its staff, under its rules are not in position to disclose what takes place in an executive session without a vote of the committee authorizing this. But you are at liberty to do so and you are at liberty to tell Mr. Simon what has been said here and inasmuch as you have lost your job because of Mr. Simon's misconception of the implications of the subpoena, I hope you will tell him and it would not be improper for you to suggest to Mr. Simon that if he wishes to do so, he can get in touch with the committee, explain the circumstances, and ask for an expression from the committee respecting your testimony.

Now I cannot speak for the committee, but I know it is the purpose of this committee always to be fair with its witnesses and my guess is that if he makes a request like that he will get an expression from the committee in reply.

Now it would take a majority action of the committee to do it, but I think the majority of the committee would do so.

Mr. LEVEY. Thank you.

Mr. SOURWINE. I appreciate your coming here.

Senator JOHNSTON. We certainly appreciate your coming and the testimony you have given us.

Mr. SOURWINE. You may be excused, sir, from the subpoena.

Mr. DAY. That excuses me also, Mr. Sourwine.

Mr. SOURWINE. Very good.

#### TESTIMONY OF TAD TEKLA—Resumed

(Questioning was commenced at 3:40 p.m.)

Mr. SOURWINE. Mr. Tekla has been sworn, Mr. Chairman.

Mr. Tekla, we ran into a situation with another witness which apparently involved some question of identity and it appears that this witness might not be the same man referred to in certain information which has come to the committee. I want to be sure that we avoided that question of identity in the case of any other witnesses.

And with the preface and with the further statement that in asking you this question I don't mean to imply there is anything whatsoever wrong about a man being known to different people by one or more different names, but I want to ask you if you have on occasion been known as Ladislav Tekla?

Mr. TEKLA. That is my full name.

Mr. SOURWINE. And have you been known as Ladislav Joseph Tekla?

Mr. TEKLA. That also is my name.

Mr. SOURWINE. That is still your name; and as Ladimir James Balista?

Mr. TEKLA. Now, this I believe is the listing on the official records of city hall. I might say for the record that as far as I am concerned there is some error; due to the fact that the doctor who reported my birth slightly twisted the name. I have been informed that that is exactly what happened. I have never used the name Ladimir nor James.

And incidentally I might add that the date is also wrong. If you recall yesterday when you asked me my birthday I gave you the month and the year, I did not give you the day because to the best of my knowledge I was born on the 20th and the city of Cleveland has me down as the 13th. I used the 20th; but legally I suppose I am wrong. I was too young to remember the details.

Mr. SOURWINE. Have you also been known as Thaddeus Tekla?

Mr. TEKLA. I have not used that.

Mr. SOURWINE. And if someone used that, it was a matter of misspelling on their part?

Mr. TEKLA. A lot of people misspell the name; most do.

Mr. SOURWINE. And have you used Thaddeus J. Tekla?

Mr. TEKLA. No, I never used the middle initial J.

Mr. SOURWINE. So anyone who inserted that was in error?

Mr. TEKLA. That is right.

Mr. SOURWINE. Were you ever a member of the American League for Peace and Democracy?

Mr. TEKLA. No, sir. I testified yesterday that I was a member of a predecessor organization but was out of it long before it became this particular organization.

Mr. SOURWINE. The committee is informed from a usually reliable source, not however on the basis of sworn testimony, that there was a Tad Tekler on the roles of the American League for Peace and Democracy. This, of course, is possible of explanation. The fact is, they were carrying a membership list which contained the names of the members of the predecessor organization?

Mr. TEKLA. That is right, sir.

Mr. SOURWINE. But I want to ask you: Do you know or have you ever known of another Tad Tekla?

Mr. TEKLA. No, sir.

Mr. SOURWINE. Did you ever know of another man named Balista with the same first name as yours?

Mr. TEKLA. No, sir.

Mr. SOURWINE. Mr. Tekla, I have no further questions to ask you. I know that you have been put to considerable trouble in coming here, and I know that the witness fee that we are allowed by law to pay you probably will not compensate you for the loss of time involved. I can only say you have been of service to the committee and we appreciate your frankness in answering and we are grateful to you for coming.

Senator JOHNSTON. And I certainly appreciate your straightforwardness, too.

Mr. TEKLA. Thank you, Senator. I have done nothing illegal. I have got a clean slate.

Mr. SOURWINE. I have called attention to the fact that if a man is called as a witness here, it does not mean he has done anything illegal but that he is believed to have information that might be of value to the committee. In your case that proved to be true.

(Whereupon, at 3:55 p.m., interrogation of Mr. Tekla was concluded.)

### TESTIMONY OF HERMAN KIRSCH

Mr. SOURWINE. Mr. Kirsch, we are sorry to have kept you so long.

Mr. Kirsch, do you know the gentleman on my left?

Senator JOHNSTON. I imagine his attorney should be identified for the record.

Mr. SOURWINE. This is Mr. Faulkner, his counsel.

Mr. FAULKNER. Before we proceed, Mr. Senator, may I raise objection at this time to anyone being present in this room except authorized personnel of the subcommittee. I think these are executive sessions and under the rules are secret and on that basis I object to anyone being here except authorized personnel and, of course, yourself again.

Mr. SOURWINE. Can I be heard, Mr. Chairman?

Senator JOHNSTON. I overrule that argument for the simple reason that you are mindful this is an executive session and when the committee thinks it is necessary for someone else other than a member of the committee to attend, we ask him to come in, to be present, I think then that there is an entirely different situation.

Mr. SOURWINE. I merely want to make the point no one is here except—

Mr. FAULKNER. Well, that may be, but in any event I make my objection for the record.

Senator JOHNSTON. You have made it for the record and I overrule you. We only have witnesses here that have testified on the subject matter before this particular time.

Mr. SOURWINE. Mr. Faulkner, with regard to your question on the quorum this morning, have you had an opportunity to examine this little pamphlet of the rules which contain the information?

Mr. FAULKNER. I have not really examined it too carefully.

Mr. SOURWINE. You will find the resolutions to which I refer on page 8 fixing the quorum as one for the purpose of executive session.

Now, Mr. Kirsch, do you recognize this gentleman on my left?

Mr. KIRSCH. I believe you asked me that question this morning.

Mr. SOURWINE. I did.

Mr. KIRSCH. And I answered, I am compelled to decline to answer this question on constitutional grounds on the grounds not to be a witness against myself.

Mr. SOURWINE. I will ask you, Sergeant, do you recognize Mr. Kirsch?

Mr. UNGVARY. Yes, sir.

Mr. SOURWINE. Will you tell us the occasions on which you remember having seen Mr. Kirsch before today?

Mr. UNGVARY. The last occasion I saw Mr. Kirsch was on June 3, 1961, in the clubroom of the Cleveland Public Auditorium during a meeting sponsored by the Cleveland Committee for Fair Play for Cuba Committee.



Mr. SOURWINE. Mr. Kirsch, you have heard that testimony?

Mr. KIRSCH. Yes.

Mr. SOURWINE. Were you present at that meeting?

Mr. KIRSCH. I must decline to answer that question on the same previous grounds.

Mr. UNGVARY. Previous to that affair on 2/5/61 there was a meeting of the Cleveland Chapter of the Fair Play for Cuba Committee and shortly after that, I am not certain of the date, there was another meeting at the Epworth Methodist Church sponsored by the same committee.

Mr. SOURWINE. You observed him at both of these meetings?

Mr. UNGVARY. Yes, I observed him at three meetings.

Mr. SOURWINE. The one you spoke of first and then the two?

Mr. UNGVARY. That is correct.

Mr. SOURWINE. You have heard this testimony, Mr. Kirsch?

Mr. KIRSCH. Yes, I have heard this testimony.

Mr. SOURWINE. Is this testimony untrue or inaccurate in any way?

Mr. KIRSCH. I must be compelled to decline to answer that question on the same previous grounds.

Mr. SOURWINE. Which includes the fifth amendment, not to be a witness against yourself?

Mr. KIRSCH. Not to be a witness against myself, right.

Mr. SOURWINE. Do you have any knowledge, Sergeant, as to whether Mr. Kirsch is a member of the Fair Play for Cuba Committee?

Mr. UNGVARY. I have no definite knowledge that he is a member.

Mr. SOURWINE. Very good. Did he, to your knowledge, participate locally in any of these three meetings which you say he attended?

Mr. UNGVARY. Yes, he did.

Mr. SOURWINE. In all of them or in one or more?

Mr. UNGVARY. In one meeting at the Euclid—pardon me, Epworth Methodist Church, at which time he participated in a question and answer period.

Mr. SOURWINE. Were you present at that meeting?

Mr. UNGVARY. Yes.

Mr. SOURWINE. In what way did Mr. Kirsch participate?

Mr. UNGVARY. Mr. Kirsch asked a question to be answered by Mr. Tussey, who was debating the question of Cuba.

Mr. SOURWINE. What position did Mr. Tussey take in this debate, pro-Cuba or—

Mr. UNGVARY. Mr. Tussey was pro-Cuba.

Mr. SOURWINE. You mean pro-Castro?

Mr. UNGVARY. Pro-Castro.

Mr. SOURWINE. And what position did Mr. Kirsch take then?

Mr. UNGVARY. As I recall Mr. Kirsch asked a question about the labor situation and the unemployment situation in Cuba under Castro.

Mr. SOURWINE. Mr. Kirsch, do you remember asking that question at that meeting?

Mr. KIRSCH. I must decline to answer the question on the same previous grounds, sir.

Mr. SOURWINE. Do you recall anything more, Sergeant, about Mr. Kirsch's participation in that meeting?

Mr. UNGVARY. Not at that particular meeting.



Mr. SOURWINE. What else can you tell us about Mr. Kirsch?

Mr. UNGVARY. I have seen Mr. Kirsch over a period of years when I was detailed on assignments covering meetings that were publicly advertised as closed meetings of various organizations like the Socialist Workers, Communist Party, and various front organizations—

Mr. SOURWINE. Let's not get mixed up here. Have you seen Mr. Kirsch at meetings of the Socialist Workers' Party?

Mr. UNGVARY. I believe I have.

Mr. SOURWINE. Do you know whether you have or not?

Mr. UNGVARY. I could not pinpoint any date. I covered any number of meetings that was sponsored by the Socialist Workers' Party but I couldn't specify the date.

Mr. SOURWINE. What you really mean is that you cannot say he took part at any of those meetings?

Mr. UNGVARY. No, I couldn't say that.

Mr. SOURWINE. Did you see Mr. Kirsch at any meetings of the Communist Party, U.S.A.?

Mr. UNGVARY. Yes, sir. As I recall, the last meeting was—it was at 13700 Euclid Avenue. The speaker was the editor in chief of the Worker, Mr. Jackson.

Mr. SOURWINE. When was this?

Mr. UNGVARY. This was in 1961. I don't recall the exact date.

Mr. SOURWINE. Were you at that meeting?

Mr. UNGVARY. Yes, sir.

Mr. SOURWINE. And you saw Mr. Kirsch there?

Mr. UNGVARY. Yes, sir.

Mr. SOURWINE. Did he participate in the meeting in any way?

Mr. UNGVARY. No, other than being present.

Mr. SOURWINE. Mr. Kirsch, you heard this testimony. Is it inaccurate in any way, to your knowledge?

Mr. KIRSCH. I decline to answer that question on the same grounds.

Mr. SOURWINE. Were you at the Communist Party meeting which has been specified?

Mr. KIRSCH. I must decline to answer that question on the same grounds.

Mr. SOURWINE. Have you attended other meetings of the Communist Party?

Mr. KIRSCH. I must decline to answer that on the constitutional grounds of free speech.

Mr. SOURWINE. Do you know of any other meetings attended by Mr. Kirsch, Sergeant?

Mr. UNGVARY. No, I can't recall.

(EDITOR'S NOTE.—The following affidavit of Sergeant Ungvary, subsequently received was ordered into the record at this point:)

#### AFFIDAVIT OF SGT. JOHN J. UNGVARY

STATE OF OHIO,  
County of Cuyahoga, ss:

To Whom It May Concern:

Before me, Stephen Kranek, Attorney at Law and Notary Public, personally appeared John J. Ungvary, Sergeant of Police, Cleveland Police Department, who first being duly sworn according to law, deposes and says that he appeared before the United States Senate Subcommittee on Internal Security, Washington, D.C., in response to a subpoena, on June 13, 1961.

Affiant further says that at said hearing on Internal Security, he testified that Herman Kirsch was present at a meeting held at 13700 Euclid Avenue, Cleveland, Ohio, at which affair, James Jackson, Editor-in-Chief of *The Worker*, was the principal speaker.

Further, that upon returning to Cleveland, Ohio and reviewing his notes and records, affiant discovered that the record of his testimony as aforesaid is inaccurate in that, to wit, the correct address of the particular meeting at which Herman Kirsch was observed by the affiant was Euclid Avenue and East 18th Street (the former Euclid Avenue Baptist Church). At this meeting the aforesaid Herman Kirsch acted as an usher. The date of this meeting was March 25, 1961. This is not the same meeting at which James Jackson was the principal speaker.

Further, affiant says that after refreshing his recollection from notes made at the time, he can testify that aforesaid Herman Kirsch was present at a debate sponsored by the Unitarian Fellowship for Social Justice of the Unitarian Society of Cleveland at the Epworth Methodist Church, East 107th and Chester Avenue on March 3, 1961, on the subject "The Castro Government—is it good for Cuba?". Mrs. Leta Wood, former resident and business woman in Cuba, and at the time of the debate Director of Publicity, Notre Dame College for Women, debated the negative side of this proposition and Richard Tussey, Chairman of the Cleveland Chapter, Fair Play for Cuba Committee, debated the affirmative side. Gerald Gordon, Secretary for the Unitarian Fellowship for Social Justice, made arrangements for the rental of the hall, and for the moderator, and took over the meeting, introducing the debaters and the moderator. It was evident that the debate was rigged to favor Tussey. Herman Kirsch and Jerome Joseph were in the audience, and directed questions to Tussey, which were obviously rehearsed. Others recognized in the audience at this meeting included Anita Reinthaler, Morris Hybloom, Milo Mortz, Joseph Petras and his wife, and Gerald Gordon. An automobile bearing Ohio license A F 4323, listed to Herman Kirsch at 4332 East 84th Street for a 1959 Rambler was observed at the location of the meeting while the meeting was going on.

Affiant further says that to the best of his knowledge, the record of all other testimony presented by him at said hearing on Internal Security, is true and correct.

Affiant further says that he is attaching a report containing further information of other activities of said Herman Kirsch in Cleveland, Ohio.

Further affiant sayeth not.

JOHN J. UNGVARY,

Sworn to before me and subscribed in my presence this 11th day of August 1961, by the said John J. Ungvary, Sergeant of Police, Cleveland, Ohio.

STEPHEN KRANEK, *Notary Public*.

My commission expires March 3, 1964.

### TESTIMONY OF HERMAN KIRSCH—Resumed

MR. SOURWINE. Mr. Kirsch, did you ever collect any money for the Fair Play for Cuba Committee?

MR. KIRSCH. I must decline to answer that question on the same previous grounds.

MR. SOURWINE. You pay dues, do you not, to the Fair Play for Cuba Committee?

MR. KIRSCH. I must decline to answer that question also.

MR. SOURWINE. Have you visited Cuba?

MR. KIRSCH. I must decline to answer that question on the same previous grounds.

MR. SOURWINE. Well, Mr. Chairman, I have no more questions of Mr. Kirsch. I think he may be excused from the subpena.

Senator JOHNSTON. You are excused.

MR. KIRSCH. Mr. Chairman, may I make a short statement?

Senator JOHNSTON. How long is it?

Mr. KIRSCH. It is 5 minutes, less than 5 minutes—half a minute.

Mr. SOURWINE. Did you want to answer some of the questions you did not answer?

Mr. KIRSCH. No, sir.

Senator JOHNSTON. Is it in reference to the questions?

Mr. KIRSCH. It is in reference to the questions.

Senator JOHNSTON. What have you got to enlighten the committee with?

Mr. KIRSCH. I can't hear.

Senator JOHNSTON. What further have you then to enlighten the committee with?

Mr. KIRSCH. I would like to read these two paragraphs here that I just wrote out outside.

From the 2 days of hearings at which I was interrogated it is my opinion that this committee is constituted for the purpose of intimidating people and not for any legislative purpose—

Senator JOHNSTON. Now, let us not—if you want to come and malign the committee, we do not want to hear it.

Mr. KIRSCH. Now, in reference to my own questioning: This committee learned at the very early stages of questioning that I would refuse to answer any questions concerning my political beliefs and associations, and its persistence could only be interpreted as and intended for witch-hunting privileges.

Mr. SOURWINE. As has been pointed out, a man may repeatedly refuse to answer a question and on another occasion answer it. The committee itself has had this experience. We always live in hope. Do you have anything further to say?

Mr. KIRSCH. That is all.

Senator JOHNSTON. Very well. I think you may be excused.

(Whereupon, at 4:10 p.m., the interrogation of Mr. Kirsch was concluded.)

### TESTIMONY OF JOHN J. UNGVARY—Resumed

(Interrogation of Mr. Ungvary was commenced at 4:12 p.m. He had been sworn previously.)

Mr. SOURWINE. Sergeant, how long have you been a member of the police department in Cleveland?

Mr. UNGVARY. Since September 1, 1937.

Mr. SOURWINE. And how long have you been with the so-called subversion squad?

Mr. UNGVARY. Since approximately March 1940.

Mr. SOURWINE. Which is actually, contrary to the implication of one of our witnesses, an antisubversion squad.

In connection with your duties on that squad, have you had occasion, or various occasions, to survey the activities of the Fair Play for Cuba Committee and its members?

Mr. UNGVARY. Yes, sir.

Mr. SOURWINE. You have been in attendance at meetings and you have been present outside meetings of the Fair Play for Cuba Committee?

Mr. UNGVARY. Yes, sir.

Mr. SOURWINE. What is this admission card?



Mr. UNGVARY. That admission card was for a meeting held June 3 at clubroom B at the Cleveland Public Auditorium.

The arrangements for that particular meeting were made by Richard Berlin Tussey. The previous advertisement for that particular meeting appeared in a full-page paid advertisement of the Cleveland Call and Post.

Mr. SOURWINE. This is a newspaper in Cleveland?

Mr. UNGVARY. That is correct.

Mr. SOURWINE. What kind of a newspaper, daily?

Mr. UNGVARY. It is a Negro weekly newspaper.

Senator JOHNSTON. What is the name?

Mr. UNGVARY. The Cleveland Call and Post.

Mr. SOURWINE. Where did you get this ticket?

Mr. UNGVARY. This ticket was given to me by the usher at my request after they were turned over to him.

Mr. SOURWINE. You bought it and paid for it?

Mr. UNGVARY. This ticket I did not pay for.

Mr. SOURWINE. You did pay for a ticket?

Mr. UNGVARY. I did pay for a ticket on a different occasion.

Mr. SOURWINE. To whom did you make that payment?

Mr. UNGVARY. The payment I made, \$1, to Mrs. Jean Tussey and my partner also purchased a ticket from Mrs. Jean Tussey for the affair held 3/25/61.

Mr. SOURWINE. Which was a function of the Fair Play for Cuba Committee?

Mr. UNGVARY. That was a meeting of the Fair for Cuba Committee.

Mr. SOURWINE. Mrs. Tussey was selling tickets at the door?

Mr. UNGVARY. Yes, she was.

Mr. SOURWINE. What was the name of your partner who also purchased a ticket?

Mr. UNGVARY. John T. Hatton.

Mr. SOURWINE. He is also a member of the subversive squad?

Mr. UNGVARY. That is correct.

Mr. SOURWINE. Mr. Chairman, I don't believe that the printing of this ticket in the record would accomplish any particular purpose.

Senator JOHNSTON. I don't think so.

Mr. SOURWINE. Now, what about the ad which you mentioned?

Mr. UNGVARY. Pertaining to this particular advertisement—we had a telephone call from the Cleveland Public Library in which they informed us that Communist literature was being distributed in front of the library and patrons of the library were under the impression it was being sponsored by the library.

This was on a Saturday afternoon. So, as a result, I went downtown. There were two 18-year-old girls pointed out to me as distributing this particular advertisement which is a duplicate of that which appears in the Call and Post.

Mr. SOURWINE. This is a reprint, then, of a full-page ad which appeared in the Cleveland Call and Post?

Mr. UNGVARY. That is correct, sir.

Mr. SOURWINE. Does the date show there?

Mr. UNGVARY. The date does appear there, I believe. Yes, sir, it does.



# NEVER BEFORE...

.....has the American Public been so deliberately deceived and deprived of accurate information as in recent months concerning the situation in Cuba!

We were told that Cuban charges about the United States preparing an invasion against the Castro government were "ridiculous" and "false" and that planes attacking Cuba from an American-financed base in Guatemala, with Cuban insignias painted on, were actually defectors from Castro's Air Force.

We were told that the people of Cuba were all eagerly awaiting an opportunity to overthrow Fidel Castro and that they were worse off than under Batista... This whole page could not begin to enumerate the scandalous falsehoods that we have been exposed to.

Above all, the incorrect labeling of what is going on in Cuba as "Communism" has been used as a smoke screen to prevent a rational discussion of the attempts of a country, ravaged by inhuman colonial exploitation and a succession of oppressive, corrupt dictators, to transform itself into an independent state able to provide a decent life for its inhabitants.

## Economic Aid

Actually, Cuba accepted economic aid from Soviet bloc countries only when we refused to help her in the immense battle she launched against hopeless starvation, unemployment, illiteracy and disease. The fact that great improvement has already been made in the lot of the average Cuban, despite continuous external harassment, has been almost entirely blacked out by our press. Before the Cuban Revolution only 11% of the people drank milk, 4% ate meat and 2% consumed eggs. Unemployment involving one million of the total population of six million kept 25% of the work force in enforced idleness and chronic despair.

Since January 1959 Castro's government has virtually ended unemployment; abolished racial discrimination; increased and diversified food production; built 25,000 new low-cost housing units; added 50% more hospital beds; provided free medical and dental care; increased classrooms by 10,000; raised wages; reduced rents and utility rates; established factories working three shifts producing shoes, clothes and food products and expects to eliminate all illiteracy before the end of this year.

## Self-Defense

Cuba accepted military aid from the countries of the Soviet bloc only when she saw that it was a matter of survival against the mounting threat of invasion. Can anyone deny that the true facts of the recent armed invasion—organized, directed and financed by the U.S. Central Intelligence Agency—provide ample justification for welcoming such aid? Cuban acceptance

## For The Record

*Libertarian, Jan. 1961: "Eight months after the advent of the Revolutionary government Castro reiterated Cuba's position:*

*"Capitalism sacrifices dignity. Communism sacrifices the rights man. That is why we do not agree with any of them. Each people must develop its own political organization and its own needs not forced upon them by a great and over its autonomy when revolution."*



*Article 5, Protocol to the Human Pact, signed by the U.S. in 1957, ratified by the Senate July 10, 1957: "Each contracting state shall use all appropriate means to prevent any person, national or alien, from deliberately participating in the preparation, organization or carrying out of a military enterprise that has as its purpose the starting, promoting or supporting of civil strife in another contracting state, whether or not the government of the latter has been recognized."*



*New York Times, April 27: "The [Cuban] Revolutionary Movement asserted that the U.S.A. had been in full political and operational command of the preparations for a landing in Cuba."*

*"The whole [Military] Council was said to have virtually been held captive by the C.I.A. five or six days after the April 17 attack began."*

*"It is understood that Dr. Nam Condor's statement denouncing the attack had been signed and recorded several days ahead of time in New York."*

*"Members of the Council were taken by U.S. agents to houses near the deactivated Opal L. the airport in Florida on April 10."*

*"The members of the Council heard about the invasion ten hours after it began when the Cuban planes happened to turn on the radio."*



*Senator Edward Brooke on the U.S. Senate, April 24: "Problems to which the U.S. is a party and the domestic statutes which have been cited clearly are intended to prohibit the kind of activity now being carried on by Cuban spies. To give this activity even covert support is also in pace with the hypocrisy and cynicism for which the U.S. is constantly denouncing the Soviet Union in the UN and elsewhere. Freedom is worth too much as a human system of government for us to surrender any of our freedom to a police state system in the field of foreign policy... wherever it is carried out through the C.I.A. or any other agency."*



*Senator Stephen A. Young, Newsletter No. 10, May, 1961: "Judgment calls for the President and Congress to make sweeping changes in the C.I.A. from the top down. It is now evident that Fidel Castro has the support of the rank and file people in Cuba; also, the support of most of the people and government officials of Latin American countries."*



of this aid has been compared to the case of Yugoslavia, to whom we give military aid although she is not exactly a capitalist country.

The Castro administration has undoubtedly made errors, as have all revolutions, including ours of 1776. Interestingly, more refugees, both numerically and percentage-wise, fled our country after the American Revolution than have deserted Cuba since the fall of Batista. And as for elections, the American patriots held no presidential election for seven years after the War for Independence had begun.

Why was there no hue and cry for "free elections" under Batista? It has been conservatively estimated that in the last seven years of his rule there were more than 20,000 political murders. All of this was ignored by Washington so long as Batista fostered and protected the right of American corporations to exploit the resources and people of that small island, 90 miles off our shore.

On the other hand the authoritative South American correspondent, Carleton Beals, wrote in April 1961 that under the revolutionary government, "[e]xcept for Batista's hangmen" so far as I can determine no non-military or non-police person has been executed unless caught arms in hand or committing overt violence."

## Denounce C.I.A.

We deplore and denounce the use of our tax money for carrying out cloak-and-dagger operations against Cuba. The attacks launched by the C.I.A. are contrary to international law, to the United Nations charter, to our treaty obligations, and to the principles of decency which will have to be observed by all countries if life is to continue on this planet.

We appeal to our government to restore diplomatic and trade relations, and the right of Americans to travel in Cuba; to offer economic and technical aid, so that Cuba can follow an independent course and continue her material progress; and to recognize the sovereignty of the Cuban government and its right to regulate its own affairs under the principle of self-determination.

We must act now to prevent any further economic or military harassment of a government which has the allegiance of the vast majority of its people.

We must let our government know that we want an end to the "brinkmanship" policies that endanger the peace of this hemisphere—and the world.

## Help Spread the truth about Cuba

Let the President, Congress, your newspapers, your neighbors know that you want fair play for Cuba. Sign this advertisement and send it to Washington.

Contribute to the cost of this advertisement, which is being paid for by Cleveland Fair Play members and supporters. Reprints are available to contributors.

Subscribe to Fair Play Newsletter. Join Fair Play for Cuba Committee.

**Cleveland Chapter  
FAIR PLAY FOR CUBA COMMITTEE  
P. O. Box 5347  
Cleveland 1, Ohio**

- ☐ I enclose \$\_\_\_\_\_ to help pay for the cost of this advertisement. Please send me \_\_\_\_\_ reprints.
- ☐ I enclose \$5.00. Enroll me as a member of the Fair Play for Cuba Committee and send me Fair Play newsletter at no extra charge.
- ☐ I enclose \$5.00 for one year's subscription to Fair Play newsletter.

Name \_\_\_\_\_

Address \_\_\_\_\_

## HEAR!

Dave Dellinger, noted pacifist writer and editor who has visited Cuba recently to study the situation there SATURDAY, JUNE 3, 8 P.M. PUBLIC AUDITORIUM CLUB ROOM 'B' Entrance at E 6th, and Lakeside ADMISSION: \$1.00 STUDENTS: .50

The Fair Play for Cuba Committee is a non-profit American organization which attempts to combat the campaign of slander against the Cuban revolution. It has more than 6,000 members, with 21 chapters in U.S. cities, 4 in Canada and student councils on more than 40 university campuses. Its only source of income is the contributions of fair-minded Americans.

**Cleveland Chapter  
Fair Play for Cuba Committee**

**P. O. Box 5347, Cleveland 1, Ohio**

**Auda Romine, Secretary**



Mr. SOURWINE. What is that date?

Mr. UNGVARY. That is Saturday, May 20, 1961.

Mr. SOURWINE. Mr. Chairman, if we are going to discuss this ad, may it be offered for the record in full?

Senator JOHNSTON. Yes.

Mr. SOURWINE. I notice that the back of the ad contains printing so in that it is folded once and folded again to reduce its size one-quarter, it has what reads like a headline. Might I ask that this be ordered photostated and reproduced in the record?

Mr. UNGVARY. If you so desire I can leave that with you.

Senator JOHNSTON. All right.

Mr. SOURWINE. We can photostat that and return it to you.

(A reproduction of the advertisement is inserted before this page.)

EXHIBIT 69-A (Back of advertisement)

**WHY DID THE PLAIN  
DEALER, THE PRESS  
AND THE HEIGHTS  
SUN-PRESS REFUSE  
TO PUBLISH THIS  
PAID POLITICAL AD?  
READ IT AND  
FIND OUT!**

Mr. UNGVARY. Yes, sir.

Mr. SOURWINE. Now, tell us how you got this and the surrounding circumstances.

Mr. UNGVARY. Two girls were pointed out to me as distributing this literature. They handed me this literature.

I asked the girl what her name was and she said she was Sue Holbrook, 18 years old, a student of Antioch College.

The second girl gave her name as Carol Bayliss, 18, a student of Antioch College.

Mr. SOURWINE. That is B-a-y-l-i-s-s?

Mr. UNGVARY. As far as I know.

Mr. SOURWINE. She did not spell it for you?

Mr. UNGVARY. She did not.

Mr. SOURWINE. And Carol could be C-a-r-o-l?

Mr. UNGVARY. That is correct.

I asked the girls the purpose of distributing this literature and she said that they were entitled to an explanation from the newspapers as to why they refused to accept the advertisement. I informed them——

(At this point the proceedings were temporarily suspended due to a telephone call.)

Mr. UNGVARY (continuing). I informed them that the newspapers did not have to accept the ads.

She then stated that if I wanted any more information as to their activities I should see the leader of the group who was one block west. I walked one block west which is our public square and I observed Mr. Richard Berlin Tussey.

Mr. SOURWINE. That is the man you have identified here?

Mr. UNGVARY. That is correct, sir.

Mr. SOURWINE. All right.

Mr. UNGVARY. And I asked Mr. Tussey what the purpose of this was and I explained to him that the girls thought that the newspapers owed them an explanation. He said definitely not, the newspapers had every right in the world to accept the ad or not accept the ad, that was the freedom of the press. But in view of the fact they did not accept this, this was his means of bringing it to the attention of the general public.

And with that he asked two men who had some of this literature to go across the street in front of the Higbee Department Store and distribute some of this material.

On return to the office I made some inquiry as to the listing of Post Office Box 6347 as listed here [indicating], and I was informed by the postal authorities that the application made for this box was made by Auda Romine and that Richard Berlin——

Mr. SOURWINE. What is that first name?

Mr. UNGVARY. Auda, A-u-d-a, and the last name is Romine, R-o-m-i-n-e.

Mr. SOURWINE. Now, that is the box number and the name which appears at the bottom of the ad?

Mr. UNGVARY. That is correct, sir.

Mr. SOURWINE. All right.

Mr. UNGVARY. And I was informed he made application for this box and that Richard Berlin Tussey had also signed the application.

Mr. SOURWINE. Sergeant, do you have any information respecting the size of the membership of the Fair Play for Cuba Committee chapter in Cleveland?

Mr. UNGVARY. No, sir. At the last meeting on June 3 I got a complete count of the persons that had attended. There were 87 in attendance; that is, not counting our confidential informant and the newspaper reporter that was in attendance unbeknownst to them.

Mr. SOURWINE. What paper was he reporting for?

Mr. UNGVARY. The newspaper reporter was the reporter for the Universe Bulletin but later there was a newspaper woman and a

cameraman who I am sure is known to Mr. Tussey and the others and they represent the Cleveland Plain Dealer.

Mr. SOURWINE. The other newsman, do you know his name?

Mr. UNGVARY. The newspaper woman was Mary Hirshfield who is Latin American editor for the Plain Dealer. The man with her is the photographer whose name I don't know, but the reporter for the Universe Bulletin is James Flannery.

Mr. SOURWINE. F-l-a-n-n-e-r-y?

Mr. UNGVARY. Yes, that is correct.

Mr. SOURWINE. You do not know how many of these 80-odd persons were members, do you?

Mr. UNGVARY. No, sir, I do not. There was, incidentally, an advance sale of 250 tickets, with 87 persons counted.

Mr. SOURWINE. Do you have any information respecting names of the officers of the Fair Play for Cuba Committee chapter in Cleveland?

Mr. UNGVARY. Actually the only name I would have knowledge of is Richard Tussey as chairman of the Cleveland chapter.

Mr. SOURWINE. I believe you testified you thought he was still chairman but you could not be sure whether he left that position?

Mr. UNGVARY. I have the impression he resigned as of yesterday, and I have no knowledge of that.

Mr. SOURWINE. Do you have any information respecting any individuals in Cleveland who had gone to Cuba under the auspices of the Fair Play for Cuba Committee?

Mr. UNGVARY. I do know that Richard Tussey had gone; Auda Romine had gone and Richard Tussey had taken his oldest daughter on one occasion and I am almost certain—now, I am not positive at the moment without refreshing my memory—but Mrs. Tussey had been there on at least one occasion.

Mr. SOURWINE. Do you have any information respecting the connection if any between the Fair Play for Cuba Committee in Cleveland and the Communist Party?

Mr. UNGVARY. The connection, in my opinion, would be in this respect:

That Gerald Gordon, who is Ohio State chairman of the Labor Youth League—the youth branch of the party while it was functioning—arranged for the debate at the Epworth Methodist Church and at this debate there was a mimeographed sheet of paper distributed that if any individuals were interested in obtaining speakers on the question of Cuba, they were to contact a certain telephone number. The telephone number was listed to Gerald Gordon at his known residence.

Mr. SOURWINE. Mr. Gordon was at that time a functionary of the Communist Party in Cleveland?

Mr. UNGVARY. Do you mean at the time of the debate?

Mr. SOURWINE. Yes.

Mr. UNGVARY. Well, I have no way of knowing that because in the Cleveland area they are not functioning as members of the Communist Party.

Mr. SOURWINE. Well, how was it you identified Mr. Gordon with respect to his Communist connections?

Mr. UNGVARY. I had observed Mr. Gordon over a period of years at publicly advertised meetings of the Communist Party, closed and



secret meetings of the Communist Party and at various conventions with labor youth—the Labor Youth League—and the Communist Party and various fronts.

Mr. SOURWINE. You have no question about his membership in the Communist Party?

Mr. UNGVARY. In my mind there is no question but that he is a communist.

Mr. SOURWINE. Might we go off the record a moment, sir?

Senator JOHNSTON. Certainly.

(Discussion off the record.)

Mr. SOURWINE. Sergeant, in the meetings of the Fair Play for Cuba Committee which you have attended and observed have you noticed members of the Communist Party, U.S.A. in attendance?

Mr. UNGVARY. Yes, sir.

Mr. SOURWINE. Have you noticed members of the Socialist Workers Party in attendance?

Mr. UNGVARY. Yes, sir.

Mr. SOURWINE. Has it seemed strange to you that members of these two parties which ordinarily fight each other are cooperating in the Fair Play for Cuba Committee?

Mr. UNGVARY. Yes, sir, to me it seemed very strange. They appeared on very friendly terms. My past experience has been that those two factions have always been feuding.

Mr. SOURWINE. How do you explain this cooperation in helping the Fair Play for Cuba Committee?

Mr. UNGVARY. On several occasions there have been incidents where they would unite to put over a certain point and then severed their relations until another occasion.

I was wondering if they had decided to bury the hatchet, as you might say, or is the meeting materializing that they had at the Tudor Arms Hotel where they got together members of the Communist Party, the Socialist Workers' Party, and the various socialistic organizations and leftist organizations, where they tried to unite the one large group.

Mr. SOURWINE. Do you think this may be evidence of the united front technique?

Mr. UNGVARY. I have no positive information in that respect but it was my impression that perhaps it is materializing.

Mr. SOURWINE. Do you have any other information which you think would be helpful to this committee in regard to the Fair Play for Cuba Committee?

Mr. UNGVARY. No, sir, at this moment no. I have not had an opportunity to refresh my memory. I probably would have, but not at the moment.

Mr. SOURWINE. Sergeant, we are grateful to you. We know you interrupted your vacation to come here.

(Whereupon, at 4:25 p.m., the subcommittee was adjourned, subject to the call of the Chair.)

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